

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6302 of 2023

Petitioner :- Mishri Lal

Respondent :- Smt. Raj Kali

Counsel for Petitioner :- Hari Om Gupta

Hon'ble Rajnish Kumar,J.

Heard Shri Hari Om Gupta, learned counsel for the petitioner.

This highly belated petition under Article 227 of the Constitution of India has been filed challenging the judgment and order dated 20.03.2010 passed in Civil Appeal No.69 of 1998 (Smt. Ram Kali Vs. Mishri Lal) by means of which the order dated 19.02.1998 passed in Case No.183 of 1995 under Section 9 of the Hindu Marriage Act has been set-aside.

The petitioner has explained the delay and laches in paragraph 8 and 9 of the petition without any sufficient explanation of the delay and laches of more than 13 years. The only ground is that the second wife of the petitioner is no more, therefore, now the petitioner wants to reside with his first wife and family. The ground has also been taken without giving the dates. The paragraph nos.8 and 9 are extracted below:-

"8. That it is also submitted that now the circumstances has been changed and the second wife of the petitioner is no more and the petitioner is still ready and wants to live with the opposite party and her children together in joint family, therefore, after long time he is challenging the order dated 20.3.2010 before this Hon'ble Court.

9. That the delay in filing the above said petition against the order impugned is neither deliberate nor intentional and had occurred under the circumstances beyond the control of the petitioner."

In view of above and without satisfactory explanation of delay and laches of more than 13 years, this petition is not maintainable.

Dismissed accordingly.

(Rajnish Kumar, J.)

Order Date :- 18.12.2023

Haseen U.