

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRR No. 2773 of 2015(O&M)

Date of decision : 03.08.2015

Madan Saini

..... Petitioner

Versus

Sunita Rani and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. N.S.Behgal, Advocate
for the petitioner.

DARSHAN SINGH,J(Oral)

CRM-24289 of 2015

1. There is delay of 1134 days in filing the present revision petition.
2. Petitioner has also filed an application under Section 5 of the Limitation Act for condonation of delay on the plea that counsel for petitioner has moved an application before the learned trial Court for correction of the order dated 20.03.2012. But, the said application was withdrawn by him on 20.10.2012 without intimating the petitioner and he also did not intimate him with respect to the further remedy. He only came to know that the revision

lies against the order dated 20.03.2012 with the High Court after consulting the High Court Advocates. He was not rightly guided by his counsel for the trial Court.

3. Learned counsel for the petitioner contended that the delay in filing the revision petition has occurred as the counsel for the petitioner in the trial Court did not intimate the petitioner about the withdrawal of the application for the correction of the impugned order and that the remedy available to him is only of filing the revision against the order dated 20.03.2012 before this Court. He only came to know about this fact when he consulted his counsel in the this Court. Thus, there is sufficient ground for condoning the delay.

4. I have duly considered the aforesaid contentions.

5. The impugned order was passed by learned Chief Judicial Magistrate on 20.03.2012. Petitioner has moved an application for correction of the impugned order. Copy of the application is Annexure P-5. The said application was got dismissed as withdrawn by learned counsel for the petitioner vide order dated 11.10.2012 and no step thereafter was taken by the petitioner.

6. There is long delay of 1134 days in filing the present revision petition. There is no dispute that the approach should be liberal to condone the delay, in case the

applicant-petitioner is able to show some sufficient cause. But, in the instant case, no sufficient ground at all is made out from the averments mentioned in the application for condonation of delay. In para no. 12 of the main petition, it has been categorically mentioned that the execution petition was filed by the respondents and learned Sessions Court has issued the warrants against the petitioner. Copy of the interim orders are Annexure P-8. In the execution petition, the conditional warrants were being issued against the petitioner for realization of the maintenance allowance becoming due. Even, learned counsel for the petitioner has appeared before the learned District/ Family Court, Ambala on 12.05.2015 in the said execution petition and prior to that conditional warrants were issued. So, it is not believable that in these circumstances, the petitioner might not had made any inquiry about the fate of the application moved by him for correction of the impugned order and to consult his counsel to avail the further legal remedy. It is very easy to take the plea that counsel has not given the information. But, it is also the duty of the litigant to be conscious and careful about the proceedings in his case. It is not believable that the petitioner remained unaware about the proceedings for the long period of 1134 days particularly when respondents were taking up the legal proceedings for

the recovery of the maintenance allowance and even the conditional warrants were being issued against him.

7. So, the petitioner has failed to establish any sufficient cause for condonation of the delay of 1134 days in filing the present revision petition.

8. Thus, the present application for condonation of delay is hereby dismissed.

Main petition.

The present revision petition has been filed against the order dated 20.03.2012 passed by the learned Chief Judicial Magistrate, Amabala, on the basis of compromise between the parties, whereby the petitioner has been directed to pay the maintenance to the tune of Rs. 10,000/- per month to the respondents from the date of filing the application under Section 125 Cr.P.C.

The application of the petitioner for condonation of delay has already been dismissed. So, the present revision petition is hereby dismissed being barred by limitation.

03.08.2015

s.khan

**(DARSHAN SINGH)
JUDGE**