

**CRM-33336-2015 in/and
CRR(F)-269-2015**

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

**CRM-33336-2015 in/and
CRR(F)-269-2015
Date of decision: 09.10.2015**

Krishan

.....Petitioner

Versus

Smt. Sushila and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.S. Sahu, Advocate,
for the applicant-petitioner.

SABINA, J

Vide this order, application seeking condonation of delay in filing the revision petition would be disposed of.

Learned counsel for the applicant-petitioner has submitted that applicant-petitioner was working as a labourer. Counsel for the applicant-petitioner had assured him that he would file a revision petition but the same had not been filed so far.

Petitioner got married to respondent No.1 on 14.06.1995. Two children were born out of the said wedlock. Respondents filed a petition under Section 125 of Criminal Procedure Code, 1973 ("Cr.P.C" for short). The said petition

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was disposed of vide order dated 18.08.2006. The trial Court allowed maintenance to respondent No.1 @ ₹1000/- per month whereas respondents No.2 and 3 were allowed maintenance @ ₹500/- each per month. Thereafter, petitioner moved a petition under Section 13 of the Hindu Marriage Act, 1955 seeking decree of divorce. The said petition was decreed in ex parte vide judgment/decreed dated 30.01.2009. Petitioner had also filed a petition seeking custody of the minor daughter Kavita and the said petition was allowed in ex parte vide order dated 31.07.2008 (Annexure P-4).

During the course of arguments, it has transpired that although there is an order in favour of the petitioner that he was entitled to the custody of the minor child but till date the custody of minor child is with respondent No.1. Respondents filed a petition under Section 127 Cr.P.C. in March, 2012. Petitioner appeared in the said proceedings and filed his written statement and led his evidence. However, thereafter petitioner was proceeded ex parte. The petition was disposed of vide order dated 30.03.2013 and the maintenance amount qua respondent No.1 was enhanced from ₹1,000/- per month to ₹2,000/- per month and qua respondents No.2 and 3 it was enhanced from ₹500/- per month each to ₹1,000/- per month each. Petitioner, however did not challenge the

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said order immediately and has sought condonation of delay of 830 days in filing the present petition challenging the order dated 30.03.2013. It is not the case that the petitioner had no knowledge about the pendency of the proceedings under Section 127 Cr.P.C. Petitioner had duly appeared in the said proceedings and had filed his written statement and had led his evidence. However, petitioner thereafter did not bother to contest the said proceedings. The plea taken by the petitioner that he has instructed to file a revision petition but he has not filed the same fails to inspire confidence as the name of the counsel has not been disclosed by the petitioner in the application.

Hence, in the facts and circumstances of the present case, the delay in filing the revision petition cannot be said to be bona fide or intentional. Accordingly, application seeking condonation of delay is dismissed and consequently criminal revision is dismissed being time barred.

October 09, 2015
kapil

**(SABINA)
JUDGE**