

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

**Crl. Misc. No. 25274 of 2016 in/and
CRR(F) No.263 of 2016
Date of decision : 15.12.2016**

Jyoti

.....Petitioner(s)

Versus

Rajiv Chauhan

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashwani Gaur, Advocate
for the petitioner.

Mr. Deepak Agnihotri, Advocate
for the respondent.

ANITA CHAUDHRY, J.

Crl. Misc. No. 25274 of 2016

This application has been filed seeking condonation of delay of 246 days in filing the appeal. Reply to the application has been filed, which is taken on record.

The background is necessary. A petition under Section 125 Cr.P.C. was filed by the wife. A prayer for interim maintenance was also made. The trial Court heard both the sides and vide order dated 11.09.2015 allowed interim maintenance. On the same day recorded the statement of the petitioner who was present in the Court in person. Her affidavit was tendered. The case was adjourned to 30.10.2015 for the evidence of the respondent and also for payment. A sum of Rs.15,000/- as part payment was made in the Court, which was handed over to the petitioner on 30.01.2016.

This petition has been filed on 16.08.2016 and the reason for delay explained by the petitioner is that she was not aware that any maintenance had been awarded as it was not communicated to her by her counsel though she admitted that she had received Rs.39,000/- as interim maintenance.

I have heard both the sides.

There has to be sufficient cause of condoning the delay. The explanation given by the petitioner is not sufficient. The order awarding interim maintenance was passed in the presence of the petitioner. Her statement was taken on oath on the same day. The petitioner had received part payment in January, 2016. The petitioner had not made any complaint against her counsel and it appears that a false excuse has been taken. There are no grounds to condone the delay. The application is dismissed.

CRR(F) No.263 of 2016

Since the delay has not been condoned, the main petition is dismissed.

15.12.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No