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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAT.APP.(F.C.) 17/2017

ROHIT KUMAR

..... Appellant

Represented by: Ms.Kusumlata Sharma, Advocate  
with Ms.Megha, Mr.Karan Sharma  
and Mr.Aman Sharma, Advocates  
and Appellant in person

versus

LAXMI

..... Respondent

Represented by: None

**CORAM:**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

% **07.02.2017**

CM No.4855/2017

1. The appellant has filed the appeal with a delay of 97 days and reason projected is that he is a poor person working as a labourer under a contractor and cannot afford a lawyer.
2. This is the ground on which the impugned order dated August 29, 2016 has been challenged by the appellant.
3. The appellant opposed petition filed by the wife under Section 24 of the Hindu Marriage Act, 1955 pleading that he was a labourer. As per the wife the appellant was a labour contractor.

4. The only proof which the wife had was the photographs of the marriage and the dowry gifts.

5. The dowry articles were : a LED TV – Samsung Make, a washing machine, a refrigerator, a double bed and other house hold appliances. Photographs of the marriage function show that after the marriage was solemnized a lavish dinner was thrown by the father of the bride.

6. Learned Judge Family Court has rightly inferred that a person of means would not marry his daughter to a labourer and spend so much money on the marriage.

7. The reason given by the appellant for delay to be condoned is not convincing and thus we do not condone the 97 days' delay in filing the appeal.

8. We would simply add that the reason for delay to be condoned being not accepted would obviously mean that the plea on merits against the impugned order concerning appellant's income being that of a labourer would be a frivolous plea.

9. The application is dismissed.

Mat.A.(F.C.) 17/2017

Since delay in filing has not been condoned the appeal is dismissed as not maintainable.

CM No.4854/2017

Dismissed.

**PRADEEP NANDRAJOG, J.**

**YOGESH KHANNA, J.**

**FEBRUARY 07, 2017/mamta**  
*MAT.APP.(F.C.) 17/2017*

*page 2 of 2*