

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

CRR(F)-208-2018(O&M)

Date of decision:-1.8.2018

Smt.Mona Rani

...Petitioner

Versus

Gurdeep Kumar Goyal and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Dr.Rau P.S. Girwar, Advocate
for the petitioner.

H.S. MADAAN, J.

This revision petition is directed against the order dated 2.7.2016 passed by District Judge (Family Court), Barnala. For ready reference, the order is reproduced as under:-

“AW1 Mona Rani and AW2 Suraj Parkash are present for cross-examination, but cannot cross-examine in this court because this court has no jurisdiction to entertain, try and decide the present case under Section 12 of Protection of

Women from Domestic Violence Act filed by applicant against the respondents, as per Section 7 of the Family Court Act and resulting of which the record of present application be sent today itself for after lunch to Chief Judicial Magistrate, Barnala, for entrusting the same to the Illaqa Magistrate, Barnala having jurisdiction over the matter in dispute, to proceed further in accordance, with law. The parties of the application are directed to appear before the said Court for the said purpose.

Learned District Judge, Family Court had passed order dated 14.5.2015, which is being reproduced as under:

“Today applicant (Mona Rani) appeared in person and requested that she wants to change her counsel and requested for another date for this purpose.

Respondent also suffered a statement that he will not sale, transfer, mortgage, alienate or gift the property, which is in his name, in any manner, during the pendency of the case. In view of this, now to come up on 3.7.2015 for consideration on the application for interim maintenance. Applicant is also directed to engage a new counsel on the next date of hearing. Long date is given due to summer vacations.

The petitioner is finding faults with that order. That respondent had moved an application seeking permission of the Court to sell/dispose off the land to the extent of share at village Hamidi, Tehsil

and District Barnala to which petitioner had filed reply. It was disposed of by Judicial Magistrate Ist Class, Barnala. Such order is also being challenged.

The revision petition has been filed belatedly by 567 days. An application under Section 5 of the Limitation Act for condonation of delay has been filed for the reason that petitioner is a woman having minor son; that she had filed a petition under Domestic Violence Act before Family Court, Barnala on 11.12.2014 and stay was granted against the property, though the case was triable by Family Court in view of Section 26 but the then District Judge, Family Court, Barnala had transferred the case to JMFC Court and then the impugned order was passed; that the revision petition has been filed but was withdrawn; that the delay is not intentional and wilful and such should be condoned.

I have heard learned counsel for the petitioner besides going through the record.

Section 3 of the Limitation Act, 1963 deals with Bar of Limitation providing that every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed although limitation has not been set up as a defence.

The petitioner had approached the Court of Sessions first. However, subsequently, withdrew the petition. Ignorance of law is no excuse. The delay in approaching this Court is considerable. I do not find sufficient reasons to condone the delay. Therefore, application under Section 5 of the Limitation Act being devoid of any merit stands dismissed accordingly.

Therefore, the revision petition is dismissed being time barred.

1.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No