

107.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-149-2018 (O&M)

Date of decision:27.03.2019.

RAJEEV KUMAR CHAUHAN

... Petitioner

Versus

JYOTI

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Devinder Singh, Advocate,
for the petitioner.

Mr. Ashwani Gaur, Advocate,
for the respondent.

HARI PAL VERMA, J.

The petitioner-husband has filed the present revision petition against the order dated 15.04.2017 whereby the Family Court, Gurugram, has awarded maintenance of Rs.5,000/- per month to the respondent-wife from 01.04.2017, whereas for the period upto 01.04.2017, the petitioner has been made to pay maintenance @ Rs.3,000/- per month as awarded vide order dated 11.09.2015.

The present petition has been filed after a delay of 253 days. The pleaded ground is that the impugned order was passed by the learned Family Court on 15.04.2017 and a copy of its order was received by the petitioner on 19.04.2017. He was made to believe that revision can be filed against the impugned order dated 15.04.2017 within 90 days from the date of receipt of its copy. Accordingly, in the first week of June, 2017, the

who assured that the revision would be filed after summer vacation and it will take considerable time to decide and the appearance of the petitioner is not required in the case. Part of fee was yet to be paid in the case. The petitioner, being resident of Uttarakhand, could not personally visit the counsel at Chandigarh, and when he ever tried to contact him, he could not succeed. He remained under the impression that the revision must have been filed. It was only a week back i.e. in the second week of March when the petitioner visited Chandigarh, he came to know that his counsel has expired in August/September, 2017 and his case was not filed by him. Thereafter, the petitioner engaged a new counsel for filing the present revision petition. In this manner, delay of 253 has occurred in filing the present revision petition.

The averments made in the present application seeking condonation of delay are totally vague. The petitioner has not furnished any detail as to on which date the counsel was engaged. It was the duty of the petitioner to ascertain the outcome of the revision petition. As averred in the application, it is only in the second week of March, 2018, the petitioner came to know that the lawyer to whom papers were entrusted has expired. Thus, from June, 2017 to March, 2018 the petitioner never pursued the case. The petitioner was required to be vigilant and should have pursued the case.

This Court finds that the ground seeking condonation of delay in filing the present revision petition is nothing but a story propounded so as to counter the revision petition filed by the wife seeking enhancement of maintenance against the order dated 15.04.2017.

In view of above, this Court does not find any ground to

Accordingly, the application seeking condonation of delay is dismissed and as a consequence thereof, the revision petition i.e. CRR(F)-149-2018 filed by the petitioner-husband against the order dated 15.04.2017 is also dismissed.

(HARI PAL VERMA)
JUDGE

27.03.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No