

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CM-20213-CII-2019 & CM-20214-CII-2019 in/&
FAO-M-188 of 2019 (O&M)
Date of decision: September 26, 2019

Sunil Kumar

...Appellant

Versus

Anju

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sumeet Singh Brar, Advocate for the petitioner.

Rajan Gupta, J.(oral)

This is an application under Section 5 of the Limitation Act for condonation of 197 days delay in filing the appeal. Only ground given in the application is that the appellant being a poor person was not able to file the appeal in time. No other plausible reason is forthcoming. Besides, a perusal of the order shows that defence of the appellant was struck off as he failed to pay maintenance pendente lite. The court, thus, examined the evidence led by wife Anju who appeared as PW-1 and examined two other witnesses. It came to the conclusion that applicant herein had treated his wife with cruelty. It, thus, dissolved the marriage by a decree of divorce.

Admittedly, there is no child out of the wedlock. In the facts and circumstances of the case, we do not intend to interfere and consequently, the appeal is dismissed as being time barred.

(RAJAN GUPTA)
JUDGE

September 26, 2019
'Rajpal'

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No