

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

CRR(F) No.434 of 2017

Date of decision: 26th February, 2020

Tanwi

... Petitioner

Versus

Paramjeet Singh Dagar

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Bhupinder S. Bairagi, Advocate for the petitioner.

Mr. Keshav Partap Singh, Advocate for the respondent.

FATEH DEEP SINGH, J.

This revision by minor Tanwi preferred through her mother and natural guardian Smt. Samita Devi is aimed at respondent father Paramjeet Singh Dagar whereby the revisionist has challenged an order passed in application under Section 125 Cr.P.C. moved by the then applicant (now petitioner) seeking enhancement of maintenance. The Court of learned District Judge, Family Court, Hisar through impugned findings dated 15.10.2015 allowed the application holding that the minor daughter was entitled to ₹ 4,000/- per month from the date of order. Through the present invocation, the petitioner has sought enhancement of the same.

Upon hearing Mr. Bhupinder Singh Bairagi, Advocate for the petitioner; Mr. Keshav Partap Singh, Advocate on behalf of the respondent and perusal of the records.

The impugned order was passed on 15.10.2015 and as is there the certified copy was applied on 26.05.2016 and was delivered on 30.05.2016. The present revision has been filed by the revisionist on 25.10.2017.

Under Article 131 of the Limitation Act, 1963, a revision challenging an order under the Code of Criminal Procedure to any higher Court is to be made within a period of 90 days of the passing of the order. The present revision petition has been filed after a delay of more than two years (i.e. 730 days). The petitioner has neither made any prayer nor filed any application for condonation of this delay. The averments of learned counsel for the petitioner that the petitioner who happens to be a student of 10+1 Class is not aware of the intricacies of law, have been rightly controverted by the learned counsel for the respondent Mr.Keshav Partap Singh, Advocate arguing that the petition has been filed through her mother and natural guardian who herself earlier had disaccord with the respondent husband and secured divorce and thereafter remarried and is also presently looking after the petitioner. Such a delay of more than two years cannot be condoned merely on the asking of a party on the grounds

that the petitioner happens to be a minor when it is purely without any averment or subsistence of evidence to show that the delay was on account of bona fide reasons. Since neither any prayer has come about in the petition nor any reasons elucidated, the courts need to be slow in coming to the aid of the petitioners even if they are minors as it will be contrary to the spirit of the law and the statutory enactment so brought about which is for a definite purpose. The petition being hopelessly beyond the period of limitation stands dismissed at the very threshold.

(FATEH DEEP SINGH)
JUDGE

February 26, 2020

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No