

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-21368-2022 IN/AND
CRR (F)-521-2022 (O&M)
Date of Decision: 15.11.2023

KULDEEP

.....PETITIONER

Vs.

SARABJIT

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Deepak Arora, Advocate, for the applicant-petitioner.

HARPREET KAUR JEEWAN J. (ORAL)

[1] By way of CRM-21368-2022, the applicant-petitioner seeks condonation of delay of 474 days in filing the present criminal revision petition.

[2] The present Criminal Revision Petition was filed by the petitioner-husband for quashing the order dated 29.11.2018, passed by the Judge, Family Court, Pathankot, whereby during the pendency of the petition under Section 125 Cr.P.C., the respondent-wife has been granted a sum of ₹9,000/- per month as interim maintenance from the date of filing of the application before the Family Court.

[3] Learned counsel for the applicant-petitioner submitted that the petitioner is serving in the Army and he was not aware about the passing of the impugned order by the Family Court and he was only apprised that he would have to pay interim maintenance till finalization of the matter by the said Court. The applicant-petitioner was not aware that he can approach the higher Court against the interim order, as such, a delay of 474 days in

filing the present petition has occurred.

[4] The reasons given by the petitioner for an inordinate delay of 474 days in approaching this Court is not plausible, keeping in view the fact that the impugned order was passed in the presence of the counsel for the applicant-petitioner. The version of the applicant-petitioner has also been recorded in paragraph No. 3 of the impugned order and even counsel for both the parties were heard before the impugned order was passed. The applicant-petitioner is an educated person and the explanation that he was unaware of the fact that he can challenge this order before the higher Court cannot be accepted. As such, I am of the considered opinion that a long delay for filing the present criminal revision petition is not properly explained and there is no plausible reason to condone the said delay, especially, keeping in view the fact that the impugned order was only with regard to grant of interim maintenance and both the parties will get an opportunity to rebut each's other evidence before the final order is passed in the petition.

[5] Consequently, the application for condonation of delay of 474 days in filing the present criminal revision petition is dismissed.

[6] Resultantly, the petition also stands dismissed.

[7] Pending miscellaneous application (s), if any, shall also stand disposed of.

November 15, 2023

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking	Yes
Whether reportable	No