

2023:PHHC:164337
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR(F)-1624-2023 (O&M)
Date of Decision: 20.12.2023

CHANDERHASS

...Petitioner

Versus

KAVITA

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Sudhir Rana, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-48161-2023

1. The present application under Section 5 of the Limitation Act has been filed for condonation of delay of 387 days in filing the present criminal revision petition, which is to impugn the order dated 18.07.2022 passed by the Family Court, Rewari, whereby petition under Section 125 Cr.P.C. filed by the respondent-wife has been allowed and petitioner-husband has been directed to pay maintenance allowance at the rate of Rs.11,000/- per month to the respondent-wife from the date of filing of the present petition.

2. It has been contended on behalf of the petitioner that the petitioner tried to settle the matter with the respondent-wife but he was not aware about the period of limitation to file the present petition, as such, the delay of 387 days occurred in filing the present revision petition.

3. The paper book further transpires that petitioner is working as Constable in Haryana Police and drawing the salary of Rs.35,000/- per month. The marriage between the parties was solemnized on 15.11.2016. The respondent has even moved a complaint before the Women Cell on 28.03.2018 but no action was taken and ultimately she had filed a complaint before the Court under

Sections 498-A, 406, 506, 323, 149, IPC.

4. Keeping in view the fact that the petitioner is an educated person as such, the ignorance about the period of limitation cannot be made as a ground to condone the huge delay of 387 days. There is nothing on record to suggest that the petitioner has ever paid any maintenance to the respondent-wife in pursuance of the impugned order, as such, the reason given for delay that the petitioner was trying to settle the matter is not found justified.

5. Consequently, the present application is devoid of any merits. There is no satisfactory explanation for the delay in filing the present revision petition.

6. In view of the above, the application stands dismissed.

Main case

As the application for condonation of delay in filing the petition is dismissed, as such, the present revision petition also stands dismissed being beyond the period of limitation.

**(HARPREET KAUR JEEWAN)
JUDGE**

20.12.2023

P.Bhatt

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