



1
CRM-39868-2017 in/and
CRR(F)-495-2017 (O&M)

259

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-39868-2017 in/and
CRR(F)-495-2017 (O&M)
Date of Decision: 03.12.2024

AMRINDER KAUR AND ANR

.. Petitioners

Vs.

MANPREET SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parminder Singh, Advocate for the petitioners.

None for the respondent.

...

SUMEET GOEL, J. (Oral)

1. The present application has been filed on behalf of the applicants-wife and minor son for condonation of delay of 213 days in filing the accompanying revision petition. The main revision petition has been filed impugning the judgment dated 07.02.2017 passed by learned (Addl. District and Sessions Judge), District Judge (Family Court), Ambala whereby the respondent-husband (herein) was directed to pay Rs.2,000/- per month to petitioner No.1-wife (herein) and Rs.500/- per month to petitioner No.2-(minor son), as maintenance from the date of filing of the petition along with litigation expenses to the tune of Rs.2,000/-.

2. Learned counsel appearing for the applicant-petitioners, while seeking grant of prayer for condonation of delay of 213 days, has argued that the applicant-petitioner No.1 was not aware about the remedy available to her to file the revision petition for enhancing the maintenance amount

awarded by the trial Court and she came to know about the said remedy

**CRR(F)-495-2017 (O&M)**

only at the time when she was defending the case of the respondent for anticipatory bail before this Court. It has been argued that the afore-said circumstances of the case indicate that the delay in filing the revision petition is neither intentional nor deliberate & hence delay deserves to be condoned.

Pursuant to the notice of motion issued on 01.02.2018, respondent had caused appearance through learned counsel on 14.01.2019. Today, the case has been called out twice since morning. However, none has caused appearance on behalf of the respondent. The same was the position on 06.08.2024 and 19.09.2024. In the interest of justice, it is deemed just and fair to proceed further with the case.

3. I have heard learned counsel for the petitioners and have perused the paper-book.

4. It would be apposite to refer herein to a judgment of this Court passed in **CRR(F)-1844-2023** titled as **Deepak vs. Noori and another** decided on 29.02.2024; relevant whereof reads as under:-

"8. As a sequel to above-said discussion, the following principles of law emerge:

A liberal approach, undoubtedly, ought to be accorded to a plea for condonation of delay made under Section 5 of The Limitation Act, 1969 so as to further the cause of substantial justice. The concept of substantial justice essentially includes in itself the desirability of adjudication of a claim of the litigant on merits thereof rather than rejection of the same, at the threshold, on account of being barred by limitation. However, adoption of such liberal approach cannot be stretched to mean that a prayer (for condonation of delay) ought to be granted sans reasonable explanation therefor. An applicant (seeking condonation of delay) has to bring forward cogent, credible and lucid reason(s) to substantiate such a plea. In case such reason(s) is not scrutable, a Court would well be within its discretion to decline such plea (for condonation of delay). In other words, inexplicable delay ought not to be condoned.

II. A Court ought to grant an application seeking condonation of delay when no negligence, inaction or want of bona fide is imputable to such applicant and/or such delay has occurred on account of circumstances beyond reasonable control of such applicant.

III. It is not the length of delay (sought to be condoned) but explanation thereof which is relevant for consideration by a Court.

IV. Law of limitation does not require an applicant (seeking condonation of delay) to furnish an exhaustive explanation on 'day to-day basis' for such delay. A Court while dealing with a plea for condonation of

3
CRM-39868-2017 in/and
CRR(F)-495-2017 (O&M)

delay need not undertake such a pedantic approach.

V. In appropriate cases, a Court may consider imposing costs while granting an application for condonation of delay. However, the quantification of costs so imposed, must reflect the same being commensurate to the lis in issue as also attending circumstances therein.

VI. The factum; of non-applicant(s) or even strangers having altered their position(s) relying upon the applicant not having filed an appeal/revision etc. within stipulated time and resultant effects thereof; will indubitably be a pertinent factor for consideration of a plea for condonation of delay.

VII. A plea for condonation of delay by the State as also its instrumentalities has to be accorded a more liberal approach since the machinery involved in their working is impersonal in nature & hidden factors working therein cannot be given a complete amiss.

VIII. The discretion of a Court, while considering a plea for condonation of delay, will be exercised in view of peculiar facts/circumstances of an individual case. It is neither prudent nor feasible to fix any exhaustive guidelines for exercising such judicial discretion. On the contrary, it would be perilous to lay down such general criteria for governing such discretion. Needless to emphasize that exercise of such judicial discretion/power ought to be within the four corners of well settled principles of justice, good conscience and fair play."

5. *More recently the Hon'ble Supreme Court in case titled as*
Pathapati Subba Reddy (Died) by L.Rs & Ors. vs. The Special Deputy
Collector (LA), Neutral Citation: 2024 INSC 286, has observed as under:

"26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

xxx	xxx	xxx	xxx	xxx	xxx
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vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."

6. *Condonation of delay of 213 days in filing the accompanying*
revision petition is sought for on the following relevant averments:

"2. That the Ld. Trial Court has award a meager amount of maintenance @ Rs. 2500/- per month to the petitioner vide order dated 07.02.2017 and the petitioner on the ground of lack of legal advise no aware of the factum of remedy to file the revision petition. The respondent has neglect the company of the petitioner and the petitioner was struck in the looking after of minor. The petitioner at the time of defend the case of the respondent for grant of anticipatory bail to the Hon'ble High Court on 29.11.2017 came to know of remedy to file the appeal. Further the fact that respondent has returned any dowry articles, refuse to accompany the petitioner, and refuse to pay any maintenance amount. Thus in this manner delay was caused in filing the present case."

**CRR(F)-495-2017 (O&M)**

6.1 The sole ground asserted in the arguments advanced on behalf of the applicant-petitioner, as well as stated in the application for condonation of delay, is that the delay occurred due to the petitioner not having received appropriate legal advice as to the availability of remedy in the form of revision. A mere bald assertion of not having been furnished with proper legal advice cannot constitute a sufficient ground for the condonation of delay. Such a plea, unsupported by cogent evidence or substantial justification, fails to meet the threshold of “sufficient cause” as envisaged under the law. Permitting condonation on such tenuous grounds would render the statutory framework governing limitation redundant, thereby undermining its fundamental objective of ensuring finality and discouraging undue protraction of litigation. The Limitation Act, 1963 is premised on the principle that litigants must exercise diligence and vigilance in the pursuit of their legal remedies. To relax this standard without compelling reasons would open the floodgates for frivolous delays, defeating the legislative intent of maintaining judicial discipline and efficiency. While this stance may appear stringent in a country like ours, where a lack of awareness regarding legal rights remains prevalent among the general populace, it reflects the legislative intent behind the law. The Limitation Act, 1963 is enacted to serve the collective good, ensuring timely resolution of disputes and fostering legal certainty. It cannot be diluted or relaxed for individual hardships, as doing so would compromise the uniformity and predictability essential for the legal system. The maxim *salus populi suprema lex esto*—the welfare of the common public (society as a whole) is the supreme law—aptly underscores this principle. Laws governing limitation aim to balance individual interests with societal



5

**CRM-39868-2017 in/and
CRR(F)-495-2017 (O&M)**

welfare, promoting diligence among litigants and preserving the integrity of judicial processes. An age old adage reads thus:

“It is the duty of all Courts of justice, to take care for the general good of the community, that hard cases do not make bad law.”

7. A perusal of the above-said averments clearly show that no reasonable or plausible explanation has been furnished by the applicant-wife (herein) to condone the delay of 213 days in filing the accompanying revision petition. Moreover, the explanation given in the application does not inspire any confidence. Flimsy grounds have been taken to explain the delay. Perusal of the application would reveal that not only the application has been filed in a mechanical manner but even the mandate of law, which envisages each day's delay has to be explained, is completely amiss in the averments of the application. No worthwhile explanation has been given for the same. No cause much less sufficient cause, as required in law, has been shown to condone the delay of 213 days in filing the accompanying revision petition.

The delay is both inordinate and inexplicable. The explanation for the delay contained in the application seeking condonation of delay is wholly unsatisfactory and can hardly be said to be a reasonable, satisfactory or even a proper explanation for seeking condonation of delay. Hence the application seeking condonation of delay of 213 days in filing the accompanying revision petition merits dismissal.

Decision

8. The application (CRM-39868-2017) seeking condonation of delay of 213 days in filing the accompanying revision petition is dismissed.

CRR(F)-495-2017 (O&M)

main revision petition stands dismissed as well accordingly.

9. Pending application(s), if any, shall also stand disposed off.

03.12.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No