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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-3585-2025 in/and
CRR(F)-139-2025 (O&M)
Date of decision: 30.01.2025

DHARAMBIR

...Petitioner(s)

VERSUS

NISHA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

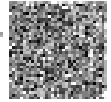
Present:- Mr. Parminder Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

CRM-3585-2025

1. The present application has been filed under Section 5 of the Limitation Act read with Section 528 BNSS for condonation of delay of 268 days in filing the present revision petition.

2. Learned counsel for the applicant-petitioner submitted that there has been a delay of 268 days in filing the present revision petition, which may be condoned in view of the grounds which have been taken in the application. He further submitted that earlier the applicant-petitioner was having a transport business but thereafter, during the pendency of the petition under Section 125 Cr.P.C., he was not having transport business and he had no money to pay interim maintenance to the respondents as well and as per the grounds which

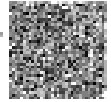


have been taken in the application, the reason as to why the applicant-petitioner could not file the present revision petition in time was that he was already facing financial crunch and was not even able to clear the arrears of interim maintenance of Rs.6,000/- per month to respondent No.1-wife and Rs.4,000/- per month to respondent No.2-minor son. While referring to para No.3 of the application, he submitted that the applicant-petitioner was under huge debt and he made sincere efforts to revive/trading work and in this process, he visited various other States. He also submitted that the aforesaid two grounds taken in the application constitute a sufficient cause within the meaning of the expression 'sufficient cause' under Section 5 of the Limitation Act, 1963 and therefore, the aforesaid delay of 268 days may be condoned.

3. I have heard the learned counsel for the applicant-petitioner.
4. The application which has been filed by the applicant-appellant under Section 5 of the Limitation Act for condonation of delay is reproduced as under:-

RESPECTFULLY SHOWETH

1. That the accompanying revision petition is being filed in this Hon'ble Court which is likely to succeed as per grounds taken therein.
2. That vide impugned Order dated 29.01.2024 Ld. Court below has awarded very exaggerated maintenance of Rs.60,000/- to the Respondent No.1 and Rs.20,000/- to the respondent No.2. The petitioner is already facing financial crunch. The petitioner is not able to clear the interim maintenance @ Rs.6000/- per month to the respondent No. 1 and Rs.4000/- to the Respondent No.2.
3. That the petitioner is under huge debt and made sincere effort to revive/trading work and in this

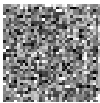


process the petitioner had visited to the various other States. Meanwhile, very exaggerated maintenance has been fixed. The Ld. Trial Court Counsel has applied certified copy and received the same on 01.02.2024. The petitioner is in a process to clear the interim maintenance amount which has been accumulated against him. In this process petitioner could not remain vigilant in respect of the final proceedings of the case. The petitioner come to know of the facts, collected the entire record and then approached to the counsel; resultantly period to file the present revision petition has exceeded and the same is not intentional or willful.

It is, therefore, respectfully prayed that the application may kindly be allowed and the delay of 268 days in filing the revision petition may kindly be condoned, in the interest of justice.

5. Learned counsel for the applicant-petitioner while referring to the present application has raised two grounds for seeking condonation of delay on the basis of sufficient cause. The first ground was that the applicant-petitioner was facing financial crunch. It is a settled law that mere fact that the applicant-petitioner is facing financial crunch does not constitute a sufficient cause within the ambit of Section 5 of the Limitation Act. The second ground was that the applicant-petitioner was under a huge debt and sincere efforts were made by him to revive/trading work and in this process, he was visiting other States. The second ground so taken also in the considered view of this Court does not constitute a sufficient cause under Section 5 of the Limitation Act.

6. Apart from the above, it is not a case where the delay is nominal but it is a case where there is a huge delay of 268 days in filing the revision petition.



7. Whenever an application under Section 5 of the Limitation Act is filed then the onus is upon the applicant to show that there exists sufficient cause and the things were beyond the control of the applicant. However, it is a case where the learned Family Court, Panipat had passed an order against the applicant-petitioner for grant of maintenance and as per the contents of the application, the applicant-petitioner has not been able to clear the arrears of interim maintenance as well. Since the grounds which have been taken in the application and by the learned counsel for the applicant-petitioner do not constitute sufficient cause under Section 5 of the Limitation Act, the delay of 268 days in filing the revision petition cannot be condoned.

8. Consequently, finding no merit in the present application, the same is hereby dismissed.

9. Since the application filed under Section 5 of the Limitation Act seeking condonation of delay of 268 days in filing the revision petition is dismissed, the revision petition also stands dismissed.

30.01.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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