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

FAO-665-2025 (O&M)

Date of decision: February 03, 2025

Kapil Dev Arora

....Appellant

versus

Nitika Khurana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE SUMEET GOEL**

Present:- Mr. Jyoti Kumari, Advocate for
Mr. Namit Khurana, Advocate for the appellant.

SUDHIR SINGH, J. (ORAL)

Challenge in the present appeal is to the order dated 15.05.2019 passed by learned Principal Judge, Family Court, Yamuna Nagar at Jagadhri (for short 'the trial Court'), whereby the petition under Section 6 of the Hindu Minority and Guardianship Act, 1956 (for short 'the Act of 1956') filed by the appellant, was dismissed.

2. Along with the present appeal, an application i.e., CM-2108-CII-2025 has been filed seeking condonation of delay of 1997 days in filing the present appeal. The grounds, *inter alia*, taken in the said application in respect of condoning aforesaid delay, are that after passing of the impugned order, the appellant tried many times to meet his minor son, but the respondent refused to do so, and even till date, all his efforts have been in vain. It has been

further averred in the application that the appellant is a poor person and is not aware of the legal procedure and had no knowledge about filing of an appeal against the impugned order. It was only in the first week of January, 2025, when the appellant gained knowledge from one of his neighbours to file an appeal, and immediately, thereafter without wasting any time, he contacted the counsel in the District Courts. Further, after gathering all the relevant documents, the appellant engaged a counsel and filed the instant appeal.

3. The aforesaid explanation given in the application for condonation of delay, does not inspire any confidence. Perusal of the application would reveal that not only the application has been filed in a mechanical manner, but even the requirements of mandate of law, which envisage explanation of each day's delay are completely lacking.

4. Flimsy grounds have been taken to explain the delay i.e., the appellant tried to meet his minor son, but the respondent did not let him to do so; the appellant is a poor person having no knowledge about legal procedure and that only in the month of January, 2025, after knowing the procedure of filing an appeal against the impugned judgment, he did the needful. All these grounds are of no help to the appellant as it was the appellant himself who had preferred the petition under Section 6 of the Act of 1956 before the trial Court. Therefore, the plea that he lacks knowledge of his legal rights and/or legal procedure does not make any sense to believe. There is a huge delay of 1997 days and explanation given in the aforesaid application, does not inspire any confidence.

5. There is no dispute regarding the discretion of the Court to condone the delay, if sufficient cause is shown by the appellant. However, in the instant case, we find that the delay of 1997 days could not be explained by the appellant by giving cogent and convincing reasons. The reasons as noticed above, do not inspire confidence.
6. In view of the above, we find that the appeal filed by the appellant/husband is hopelessly time barred. Thus, while dismissing the application for condonation of delay, the main appeal is also dismissed being time barred.
7. Pending application/s, if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUMEET GOEL)
JUDGE

February 03, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No