

CRR(F)-1061 of 2025 (O&M)

2025:PHHC:133903



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

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Date of decision: 23.09.2025

Tajinder Singh

.....Petitioner

Versus

Jaskaran Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Bhriugu Dutt Sharma, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Accompanied by an application under Section 5 of the Limitation Act, seeking condonation of delay of 617 days, petitioner has preferred the present revision petition challenging the order dated 16.08.2023, passed by learned Principal Judge, Family Court, Jalandhar, vide which petitioner has been directed to pay interim maintenance of Rs.2,000/- per month to the respondent (minor son) from the date of filing of the application.

2. Respondent is the minor son of the petitioner. The marriage between the petitioner and mother of the respondent was dissolved by a decree of divorce on 23.08.2018 and all the matrimonial litigations were withdrawn by the petitioner and the mother of the respondent. Respondent through his mother filed a petition under Section 125 Cr.P.C. seeking maintenance from the petitioner. During the pendency of the said petition, respondent filed an application

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seeking interim maintenance to the tune of Rs.15,000/- per month from the petitioner. The Family Court vide order dated 16.08.2023 considering all the facts and circumstances, directed the petitioner to pay interim maintenance of Rs.2,000/- per month to the respondent.

3. The applicant-petitioner has approached this Court by way of instant petition after an inordinate delay of 617 days, on the ground that the petitioner is a taxi driver and is required to travel extensively to earn his livelihood and maintain his wife and two minor daughters out of his second marriage. The plea taken by the applicant-petitioner is totally frivolous and does not have a leg to stand. The object and purpose of the statute of limitation is to fix the life span of a legal remedy, so as to put an end to every legal remedy as it is futile to keep any litigation or dispute pending indefinitely. Furthermore, it is also settled proposition of law that delay of each and every day has to be explained, which is lacking in the case at hand. When a mandatory provision is not complied with and the delay is not properly, satisfactorily and convincingly explained, it ought not to be condoned on sympathetic grounds alone. The statutory provision of the law of limitation may cause hardship or inconvenience to a particular party, but the Court has no choice but to enforce it, giving full effect to its mandate. The legal maxim *dura lex sed lex*, which means "the law is hard but it is the law", stands attracted in such a situation.

4. It would be apposite, at this stage, even to refer to the decision of the Hon'ble Supreme Court in ***P.K. Ramchandran Vs.***

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State of Kerala and another, AIR 1998 Supreme Court 2276, wherein it was concluded that the law of limitation may harshly affect a particular party, but it has to be applied with all its rigor prescribed by the statute and the Courts have no power to extend the period of limitation on equitable grounds. Likewise, even in ***N. Balakrishnan Vs. M. Krishnamurthy, (1998) 7 SCC 123***, the Supreme Court had observed that the object of fixing the time limit under the Limitation Act is not with the purpose to destroy the rights of the parties, but it is founded on public policy. It had been further observed that length of the delay is immaterial, acceptability of the explanation offered is the only criterion. Sometimes a delay of even the shortest duration may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned as the explanation thereof is satisfactory. However, as demonstrated hereinabove, the grounds set out in the present application do not constitute sufficient cause to condone the gross, inordinate and unexplained delay of 617 days. Needless to assert that Courts of law always yearn and endeavour to decide the *lis* on merits, unless a party owing to its negligence, inaction, willful and deliberate default, deprives itself of such indulgence.

5. In view of the aforesaid facts and circumstances, the explanation given by the petitioner for not approaching this Court by way of the instant petition within the period of limitation is neither plausible nor convincing and thus, does not inspire the confidence of

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this Court to condone the delay of 617 days. Because justice walks on timely track and time does not wait nor does the law bends. So one who is seeking relief is to defend each day's delay.

6. Even otherwise, the object and purpose behind granting maintenance is to ensure that the dependent spouse/child is not reduced to destitution or vagrancy on account of failure of marriage. At the same time, a just and careful balance must be struck to ensure that this provision does not degenerate into a weapon to punish the other party. The Courts are required to conduct the maintenance proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were enacted as a measure to further social justice and protect dependent women, children and parents, which also fall within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India.

7. In view of the above settled proposition of law, at the very threshold, the instant revision petition is barred by limitation and besides this, the petitioner who is father of the respondent (minor) has legal and statutory liability to maintain his own son as the Family Court has rightly observed that in the judgment dated 23.08.2018, whereby marriage of the petitioner and mother of the respondent has been dissolved, there is no mention as to how much amount has been settled on account of maintenance for the respondent. Therefore, this Court is

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of the considered opinion that there is no irregularity and any ground to interfere with the impugned order dated 16.08.2023, passed by learned Principal Judge, Family Court, Jalandhar.

8. Consequently, the instant petition stands dismissed on the ground of delay as well as on merits.

23.09.2025			(NAMIT KUMAR)
R.S.			JUDGE
	Whether speaking/reasoned	:	Yes/No
	Whether Reportable	:	Yes/No