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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT.) 66/2025 & CRL.M.As. 4513/2025, 4515/2025**
HARI PRAKASH Petitioner

Through: Mr. A.K. Azad, Advocate through
VC.

versus

MRS KAVITA AND ANR Respondents
Through: None.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
13.02.2025

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CRL.M.A. 4514/2025

1. The present Application under Section 5 of the Limitation Act, 1963 has been filed on behalf of the Applicant/Petitioner seeking condonation of 594 days' delay in filing the present Petition.
2. It is submitted in the Application that *vide* Order dated 22.05.2023, an interim consolidated monthly maintenance of Rs. 6,000/- was given to the Respondents, who are the wife and child of the Applicant/Petitioner.
3. The Revision Petition to challenge the impugned Order was required to be filed within 30 days. The Applicant/Petitioner received the copy of the Order *dasti* on 3.05.2023 and the Revision Petition could have been filed till 28.08.2023. However, the Applicant/Petitioner fell sick and he remained on bed for a week and was not in a position to contact his counsel. After recovery, the Applicant/Petitioner immediately contacted his counsel who had changed his Chamber to Tis Hazari Courts, Delhi.



4. It is submitted that the father of the counsel died on 24.05.2024 and he has been residing in his home town with mother in *Iddat* period of 4 months and 10 days. In between, the counsel for the Applicant/Petitioner has been suffering from Bells Palsy. Thereafter, the present Petition was prepared and filed before this Court without any further delay.

5. Consequently, the condonation of delay of 594 in filing the present Petition has been sought on the ground that it was neither intentional nor deliberate.

6. **Submissions heard and record perused.**

7. *Vide* impugned Order dated 22.05.2023, Interim consolidated monthly maintenance of Rs. 6,000/- was granted to the Respondents in a Petition under Section 125 of the Code of Criminal Procedure, 1973.

8. Pertinently, on a specific query, learned counsel for the Applicant/Petitioner has submitted that he was being assisted by his Associate who continued to appear in the main Petition and the evidence of the Respondents has been concluded. However, he had been joining the proceedings through Video Conferencing.

9. Pertinently, these submissions made on behalf of the Applicant/Petitioner itself show that the counsel was pursuing the other litigation and was not handicapped in filing the present Revision Petition.

10. Furthermore, it is submitted on behalf of the Applicant/Petitioner fell sick for a week and was not in a position to contact his counsel.

11. The impugned Order is dated 22.05.2023; even if the Applicant/Petitioner was sick for one week that was not a circumstance for him to have waited for 594 days to contact his counsel.

12. Pertinently, the father of the counsel for the Applicant/Petitioner died



on 24.05.2024, which is more than a year after passing of the impugned Order and the Revision Petition could have been filed earlier. No cogent explanation for interim period, is forthcoming.

13. In view of above, there is absolutely no ground made for condonation of delay of 594 days in filing the present Petition.

14. Accordingly, the Application is dismissed along with the Petition and pending Applications.

NEENA BANSAL KRISHNA, J

FEBRUARY 13, 2025

S.Sharma