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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P.(MAT.) 2/2024**

RAJESH

.....Petitioner

Through: Mr. Manish Kumar and Mr. Rupesh
Kumar, Advs.

versus

NEELAM & ANR.

.....Respondents

Through: Mr Anurag Ahluwalia and Mr Satish
Verma, Advs.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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04.11.2025

CRL. M.A. No.22583/2024

1. By way of the present application, the petitioner seeks condonation of delay of 562 days in filing the present petition.
2. The brief facts of the case are that the impugned order dated 30.09.2022 was passed by the learned Trial Court, *vide* which the petitioner was directed to pay interim maintenance in the sum of ₹20,000/- per month. The learned counsel appearing for the petitioner states that since the petitioner failed to comply with the order for payment of interim maintenance, as he had no source of income, he had requested his earlier counsel to file a revision petition. However, since the learned counsel had demanded his profession fee, which the petitioner could not afford, due to which the revision petition was not filed in time. Therefore, the petitioner



states that the present counsel, who had appeared in pending execution petition no. 20/2023 before the learned Trial Court in the first week of May, 2024, was requested to file the revision petition. The present petition was filed on 15.07.2024, resulting in 562 days delay in filing the same.

3. This Court has **heard** the arguments, addressed by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent and has given consideration to the contentions of the learned counsel appearing for the petitioner.

4. The main argument of the learned counsel appearing for the petitioner is that since the petitioner was not able to comply with the order for payment of interim maintenance and could not afford the professional fee of the counsel, there was delay in filing the present petition. As per the recent judgment of the Hon'ble Supreme Court in *Shivamma (Dead) By Lrs. V. Karnataka Housing Board & Ors.; 2025 LiveLaw (SC) 899*, the delay in filing the petition has to be explained on day to day basis, not only from the date on which the period of limitation was over but also from the date on which the impugned order was passed. The relevant extract of the said judgment reads as under:

“Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.



262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.”

5. The fact that the present petition has been filed after almost two years, the delay has not been explained by the petitioner, except on the ground that he was finding it difficult to comply with the order of the learned Trial Court and, therefore, could not file the revision petition. This Court also takes note of the fact that in the execution petition, the arrest warrants against the petitioner had to be issued by the learned Trial Court. The respondents had to run from pillar to post for execution of the order for grant of interim maintenance.

6. This Court finds no ground for condoning the delay in filing the present petition and, therefore, the application stands rejected.



Consequently, the petition is also dismissed.

7. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 4, 2025/A