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

+ **CRL.REV.P. 1228/2023, CRL.M.A. 31251/2023,**
CRL.M.A. 31253/2023, CRL.M.A. 6175/2024,
CRL.M.A. 33986/2025 & CRL.M.A. 33987/2025

PANKAJ KUMAR SONIPetitioner

Through: Mr. S.N. Pandey,
Ms. Manisha Tyagi, Mr.
H.C. Chawla & Mr. SB
Gautam, Advs.

versus

STATE GNCT DELHI AND ORS.Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Virendra S.
Chaudhary, Ms. Yashvi
Sinh & Ms. Garima Singh,
Advs. for R2 & R3

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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20.11.2025

1. The present petition is filed challenging the order dated 19.07.2018 (hereafter '**the impugned order**') passed by the learned Principal Judge, Family Courts, Patiala House Courts, New Delhi in M-77/2016.
2. The impugned order relates to an *ex parte* order of maintenance whereby the petitioner has been directed to pay a sum of ₹8,000/- per month to Respondent Nos. 2 and 3 as maintenance, that is, ₹6,000/- per month to Respondent No. 2/ wife and ₹2,000/- per month to Respondent No. 3/ minor child.
3. The relationship between the petitioner and respondents is not disputed.



4. It is undisputed that the present petition has been filed with an inordinate delay of more than five years as the impugned order was passed way back on 19.07.2018 whereas the same was challenged on 03.11.2023.

5. The only ground urged by the learned counsel for the petitioner is that due to the various cases being instituted by Respondent No. 2, the petitioner was suffering from depression and had left his home and was, therefore, not traceable.

6. The learned counsel for the petitioner submits that Respondent No. 2 has also filed frivolous case against the father of the petitioner alleging that the petitioner's father has committed rape. He further submits that all these frivolous litigations have traumatised the petitioner due to which he could not pursue his remedies.

7. It is pertinent to note that Section 5 of the Limitation Act, 1963 envisages condonation of delay only on the ground that the party, due to some adequate and enough reason, was prevented to approach the Court within the period of limitation.

8. The Hon'ble Apex Court, in the case of *H. Guruswamy v. A. Krishnaiah* : 2025 SCC OnLine SC 54, observed as under:

*“15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.
16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as*



against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."

(emphasis supplied)

9. In the opinion of this Court, the ground as urged in the Court or as pleaded in the application seeking condonation of delay is bereft of any such reasons disclosing any sufficient cause and does not merit any consideration. The petitioner, in the opinion of this Court, is not entitled for any leniency.

10. Even otherwise, once the petitioner does not dispute the relationship with the respondents, in the opinion of this Court, a maintenance of ₹8,000/- per month is not exuberant.

11. It is not the case of the petitioner that he is not an able-bodied man and is not in a position to earn at least the minimum wages which are payable to a person in Delhi. The Hon'ble Apex Court, in the case of *Anju Garg and Anr. v. Deepak Kumar Garg* : 2022 SCC Online SC 1314, observed as under:

"10.... The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute...."

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13. Though it was sought to be submitted by the learned



*counsel for the respondent, and by the respondent himself that he has no source of income as his party business has now been closed, the Court is neither impressed by nor is ready to accept such submissions. **The respondent being an able-bodied, he is obliged to earn by legitimate means and maintain his wife and the minor child....***

(emphasis supplied)

12. Thus, it is incumbent on the petitioner, who is an able-bodied man, to financially support the respondents.

13. At the time of passing of the impugned order, Respondent No. 3 that is the minor child of the petitioner and Respondent No. 2, was only 1.5 years old and grant of ₹2,000/- per month as monthly maintenance is only a pittance.

14. In view of the above, this Court finds no reason to interfere with the impugned order and the petition is, therefore, dismissed. Pending Application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 20, 2025

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