IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CRMP(M) No. 941 of 2026
Date of Decision: 26.10.2026

Sh. Hans Raj **.....Applicant-petitioner**

Versus

Mrs.Divya Bharti & another **....Respondents**

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge
Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting? *Yes*

For the applicant/petitioner: Mr. Narender Singh Thakur, Advocate.

For the respondents: Ms. Shipra Thakur, Advocate vice, Ms. Ambika Kotwal, Advocate .

Ajay Mohan Goel, J.*(Oral)*

By way of this application filed under Section 5 of the Limitation Act, a prayer has been made for condonation of 144 days delay in filing the Criminal Revision petition. This application seeking condonation of delay has been filed along with a petition, which is directed against the order dated 24.11.2025 passed by the learned Principal Judge, Family Court, Mandi, in the application, filed by the present respondent herein under Section 125 (1) of the Code of Criminal Procedure, in terms whereof, the present applicant has been directed to pay

Rs.10,000/-per month as maintenance to each of the non-applicants/respondents herein.

2. Learned counsel for the applicant submits that the reason as to why the applicant could not prefer the Criminal Revision petition within the period of limitation or within a reasonable time thereafter was that he met with a serious accident and suffered a fracture in his leg, on account whereof, he remained under treatment and immobilized for a considerable period and thereafter, in the month of January, his residential house was gutted in the fire and documents, including the case papers were burnt and destroyed in the same.

3. Having heard learned counsel for the applicant and having perused the averments made in the application, we see no reason to condone the delay in filing the Criminal Revision petition. The impugned order is dated 24.11.2025, which was passed by the learned Court below after the present applicant stood proceeded against ex parte before the learned Court below. The above demonstrates that despite service by the learned Court below, the applicant herein, decided not to appear before the learned Court below. We are making this observation for the reason that we do not find any material to demonstrate that the ex parte order that was passed by the learned Court below was assailed by the applicant before the appropriate Court of law.

4. Be that as it may be, even in the application which has been filed for condonation of delay, it is not the case of the applicant that

because he was proceeded against ex parte by the learned Court below, therefore, he was not aware of the impugned order. The reason, which led to the delay as per the applicant is two fold; (a). that he met with a serious accident and suffered fracture in his leg, due to which, he remained under treatment and immobilized for a considerable period and (b). that after the applicant contacted his counsel and acquired status of the case and applied for the certified copy of the judgment, his house was gutted in fire and all the documents were destroyed in the same.

5. Now, these two averments which have been made in the application, have not been substantiated by placing on record any iota of evidence. There is no medical record, appended with the petition to demonstrate that indeed the applicant met with an accident and was immobilized, as alleged in the application or that his house indeed was gutted in fire. The averments made in the application of the applicant having met with a serious accident and allegedly his house was gutted in fire, are not small incidents, qua which no record would have been available with the applicant.

6. The contention of the learned counsel for the applicant that his medical record was burnt in the fire also does not satisfy this Court for the reason that if after the alleged burning of the house, the applicant was able to obtain a fresh record of the case to approach this Court , he could have also obtained fresh medical record from the hospital concerned and the factum of his house having been gutted in the fire could also have been

demonstrated by him by either appending some police record in this regard or the record of the Revenue Department, wherein, such incidents are accordingly recorded.

7. Therefore, from the above, the only conclusion that has been drawn by us is that whatever has been mentioned in the application is just a concocted story, because it is not substantiated by any material on record.

8. Therefore, we do not find any reason to condone the delay in filing the Criminal Revision petition. Accordingly, the application is dismissed.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

October 26, 2026
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