2026:HHC:47175

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No. 806 of 2026
Date of Decision: 27.10.2026

Gurpreet Singh @ Mintu .....**Applicant/Petitioner**

Versus

Smt. Poonam Devi .....**Respondent**

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: Dr. Ganesh Barowalia, Advocate.
For the respondent: Mr. Aashish Kumar, Advocate.

Ajay Mohan Goel, J. *(Oral)*

By way of this application, a prayer has been made for condonation of 2 years and 3 days' delay, as is calculated by the Registry of this Court, in filing the present revision petition, which revision petition has been filed against the order passed by the learned Additional Principal Judge, Family Court, Una, District Una, H.P., dated 01.02.2024.

2. The impugned order reads as under:

> "Respondent made a statement placed on record that he has compromised the matter with petitioner and undertakes to pay ₹5000/- per month from today as maintenance and paying today itself a sum of ₹10,000/-. He shall deposit the amount of maintenance in the account of petitioner by 7th of each month and prayed that case

> be decided accordingly. The statement of petitioner also recorded whereby she acknowledged the receipt of ₹10,000/-, and endorsed/accepted the statement of respondent and prayed that petition be decided accordingly. In view of statements of parties, petition u/s 125 Cr.P.C, is decided as compromised. The respondent is accordingly directed to pay maintenance at the rate of ₹ 5000/- per month from today which the respondent to deposit in the account of petitioner by the 7th of every month. Petition is accordingly disposed of as compromised. The statements of parties shall form part of order. Miscellaneous applications, if any, become infructuous. Be tagged. File after due completion be consigned to record room."

3. This order has been passed on the basis of the statement that was made before the learned Court below by the applicant/petitioner **(for short, 'petitioner')** on 01.02.2024, copy whereof is also appended with the present petition.

4. The reasons spelled out in the application for filing the petition belatedly, *inter alia*, are that the petitioner is a rustic person, the parties had arrived at a settlement qua their disputes and the father of the petitioner had transferred 50% share of the property in favour of the respondent, qua which mutation was also entered and that the petitioner was not aware about the consequences of the impugned order, as he was unable to understand the contents of settlement in the proceedings under Section 125 of the Criminal Procedure Code.

5. Having heard Dr. Barowalia, learned counsel for the petitioner and having perused the averments made in the application, we are of the considered view that the present application deserves dismissal.

6. Though ordinarily while deciding an application filed for condonation of delay, the Court does not touch upon the merits of the case, but in the peculiar facts of this case, we would like to refer to the contents of the impugned order.

7. In terms of the impugned order, learned Court below directed the present petitioner to pay maintenance to the present respondent at the rate of ₹5,000/- per month from the date of the order. This order was passed on the basis of a statement made by the present petitioner before the Court on the same day, in which he stated that he had compromised the matter with the respondent and he undertakes to pay ₹5,000/- per month from the date of the statement, i.e. 01.02.2024, to the respondent.

8. A perusal of the statement of the petitioner, which is recorded in vernacular and not in English, demonstrates that what was recorded therein was that the matter stood compromised by the petitioner with his wife and in lieu of the same he would pay an amount of ₹5,000/- per month as from 01.02.2024 and that this maintenance

amount shall be paid by him to the respondent on or before the 07th of each month.

9. The statement of the present petitioner which was recorded before the learned Court below cannot be termed to be an ambiguous statement. It was an unambiguous statement in which it was clearly recorded, as was stated by the petitioner before the learned Court below, that he shall be paying an amount of ₹5,000/- per month as from the date of the compromise, i.e. 01.02.2024, in lieu of monthly maintenance.

10. The statement not only bears the signature of the present petitioner, but record demonstrates that the petitioner was identified by his counsel before the learned Court below, whose signatures are also there on the statement of the present petitioner.

11. Not only this, in this statement, which was made by the petitioner, there is no reference whatsoever of the settlement deed on which the petitioner is now relying upon, i.e. settlement deed dated 23.05.2023. Therefore, the contention of the petitioner in the application that he was not aware of the impact of the order, etc., does not satisfy us. According to us, the petition has been filed just to wriggle out of the order that was passed by the learned Court below

which was passed on the basis of the statement made by the present petitioner.

12. We may add that the statement of the petitioner was recorded in vernacular and it is not his case that he does not even understand Hindi. The petitioner duly signed the statement before the learned Court below. The statement was made and recorded in the presence of his counsel and therefore also, it cannot be believed that neither the petitioner nor his counsel were aware as to what was being recorded in the statement or what order was passed by the Court on the basis of this statement.

13. Therefore, as the filing of the petition along with the present application for condonation of delay of more than 2 years is just an afterthought and further, as we do not find any merit in the present application so as to condone the inordinate delay, the same is dismissed.

Pending miscellaneous application(s), if any, shall also stand disposed of accordingly.

(Ajay Mohan Goel),
Judge

(Yogesh Jaswal),
Judge

October 27, 2026
Rajeev Raturi