**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr.MP(M) No.1197 of 2026**
**Date of Decision: 30.10.2026**

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**Rishi Kapil** **.....Applicant/Petitioner**

**Versus**

**Pooja Kapil** **.....Respondent**

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*Coram*

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

*Whether approved for reporting? Yes.*

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**For the applicant/petitioner:** Mr. Rohit Sharma, Advocate.

**For the respondent:** Mr. Ketan Singh and Mr. Abhishek Nagta, Advocates.

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**Ajay Mohan Goel, J.** *(Oral)*

By way of this application filed under Section 5 of the Limitation Act, the petitioner has prayed for condonation of delay, which as per the Registry is of 1 year, 1 month and 11 days, in filing of the present revision petition, which is directed against the order passed by the learned Principal Judge, Family Court, Hamirpur, in terms whereof, in an application filed by the respondent under Section 125(1) of Cr.P.C., interim maintenance stands granted to the respondent vide order dated 23.04.2025 to the tune of ₹3,000/- per month.

**2.** The reasons assigned in the application why the applicant could not approach this Court either within the period of limitation or within some reasonable period thereafter, are as under:

> "2. That the revision petition could not be filed within limitation period. As a matter of fact, the present petitioner was disinherited by his family and he had to leave his house and was working in Chandigarh for his livelihood. The petitioner was also not in good state of mind due to matrimonial discord and as well as due to differences with his parents as well. The petitioner was not aware of the orders passed in the application under challenge and neither the family members nor his lawyer representing him told him about the impugned order well in time. That the petitioner recently in May 2026 enquired about his case, filed by him, for seeking divorce from his wife and then only he came to know about the orders passed in the impugned application in another complaint filed against him by his wife. The petitioner immediately asked his lawyer at Hamirpur to apply for the copies of the impugned order and other copies with regard to his litigation with his wife. The copies were applied on 6-5-2026 and were prepared and delivered only on 11th May, 2026. However, the present appeal is being filed thereafter without any further delay."

**3.** Having heard Mr. Rohit Sharma, learned counsel for the applicant and having perused the averments made in Para 2 of the application, we are of the considered view that no case is made out by the applicant for condonation of an inordinate delay of 1 year, 1 month and 11 days in approaching this Court.

**4.** The reasons for delay, spelt out by the applicant that the applicant was disinherited by his family, had to leave his house and was working in Chandigarh, was not in good state of mind due to matrimonial discord, and was not aware of the order passed in the application, as neither his family members nor his lawyer informed him of the same, do not convince us. In fact, we have noticed that there is now a new normal, that in cases where there is a matrimonial discord, the husband stands disinherited by his father from the property.

**5.** It appears from the contents of the application that the applicant himself is not very sure as to what led in his not approaching the Court

within the period of limitation or within some reasonable time thereafter. He is not very sure as to whether it was because of the confusion which was in his mind due to the matrimonial discord or whether it was on account of the fact that his lawyer did not allegedly intimate him the order or was it on account of the fact that he was purportedly disinherited by his family or that his family members did not inform about the order passed by the learned Court below.

**6.** According to us, as it is not his case that he was not aware of the proceedings which were initiated against him by his wife under Section 125 of Cr.P.C., it was his duty to have followed the said proceedings. Perusal of the impugned order otherwise also demonstrates that the order was passed in the presence of learned counsel for the applicant.

**7.** Therefore, in light of the above observations, as we are convinced that the reasons mentioned in Para 2 of the application are just concocted reasons which do not satisfactorily explain the inordinate delay in filing the present revision petition, the application is dismissed as we are not convinced with the reasons mentioned therein.

With these observations, the application is dismissed, so also pending miscellaneous application(s), if any.

**(Ajay Mohan Goel),**
**Judge**

**(Yogesh Jaswal),**
**Judge**

**October 30, 2026**
*Rajeev Raturi*