IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMP.M No.1757 of 2026
Decided on 27th October 2026

Mahesh Kumar

…Petitioner

Vs.

Sangeeta

…Respondent

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

[1]Whether approved for reporting?

For the applicant : Mr. Naresh K. Sharma.

Ajay Mohan Goel, Judge *(Oral)*

By way of this application, a prayer has been made for condonation of 553 days delay in filing the appeal.

2. The appeal is directed against the judgment passed by the learned Additional Principal Judge, Family Court, Palampur, dated 31.12.2024, in terms whereof, the petition filed by the present applicant under Section 13(1) (ia) and (ib) of Hindu Marriage Act was dismissed.

3. The reasons given in the application as to why the appeal could not be filed either within the period of limitation or within some reasonable time thereafter read as under:-

"Brief facts which has led to this petition has averred in the petition are that the petitioner namely Mahesh Kumar and respondent Sangeeta solemnized marriage on 18.11.2004 according to Hindu rites and ceremonies in Village and Post Office Mohal, Tehsil Kullu, District Kullu, H.P. and after marriage, the petitioner and respondent lived as husband and wife and one son namely Adarsh Mehara has been born from their wedlock. That after the marriage the petitioner visited Kullu Manali (Hill Station) for spending a week on account of Honeymoon, where the petitioner realized that the respondent is highly ambitious lady and the respondent categorically stated on many occasions that the petitioner was not up to the mark of her choice. The respondent further agitated that her parents forced her to get married with the petitioner for their social satisfaction otherwise she was not interested to marry the petitioner. The petitioner kept on requesting the respondent folded hands to maintain matrimonial institution but the respondent did not bother about the request of the petitioner. That after visit to Kullu the petitioner and respondent came back at their native place at Vill. Kacchal Jaggian, P.O. and Tehsil Jaisinghpur, District Kangra, (H.P.) and the respondent hardly stayed for a four months and meantime she got pregnancy. Thereafter the respondent started insisting and compelling the petitioner to take her to Kullu as her parents are living in Kullu. It is important to mention here that the petitioner requested the respondent to spend some time with his parents and native place but it was out rightly dismissed by the respondent and ultimately the petitioner was compelled to take the respondent to Kullu, H.P. That on 07th Dec., 2005 the respondent blessed with baby Boy child and Petitioner give Rs.30,000/- to the mother of the respondent for taking care of the child and his wife. On the occasion of First birthday celebration, petitioner also visited to attend the celebration at Vill. Mohal, Distt. Kullu, H.P. but in the presence of the family members and other relatives the respondent insulted and humiliated the petitioner leveling false and frivolous allegations against the petitioner. The mother of the respondent also started threatening the petitioner to get him booked in a

> *false dowry demand case in case the petitioner would not obey the respondent as per her choice and desire. In the meantime some of the relatives intervened and stopped the respondent and her, mother to do so."*

4. Having perused the averments made in para 2 of the application and having heard learned counsel for the applicant, we are not satisfied that the delay in filing the appeal, which indeed is inordinate, as the period is of more than 553 days, is *bona fide*.

5. The petitioner is an educated person. His petition was dismissed by the learned Court below. He was duly represented by a counsel before the learned Court below, whose presence is marked in the judgment, copy whereof stands appended with the appeal.

6. The reasons given in para 2 that the applicant could not collect the copy of the judgment due to shortage of leave, do not appear to be plausible, because, it is hard to believe that a lecturer did not had even a few days of leave available and that too for almost 1 ½ years to pursue his legal remedy against the judgment passed by the learned Court below in his petition.

7. In fact, we have no hesitation in observing that in fact what is mentioned in para 2 is just a concocted story, which is not substantiated by any material appended with the application.

8. Therefore, as no case has been made out for condonation of the inordinate delay of more than 553 days, the application is dismissed, so also is the fate of the appeal.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

October 27, 2026
(Vinod)