26.10.2026 Present: Mr. Somesh Sharma, Advocate, (Legal Aid Counsel), for the applicant.

Mr. Surinder Kumar Saklani, Advocate, for the respondent.

CRMP(M) No.3051 of 2025

By way of this application filed under Section 5 of the Limitation Act, a prayer has been made for condonation of delay in filing the petition. The case has been filed through the learned Legal Aid Counsel.

Despite opportunities granted to file reply to the application, the same has not been filed. On 01.10.2026, last opportunity of two weeks was granted but the reply has still not been filed. In light of this fact, we close the right of the respondent/non-applicant to file a reply.

Learned Legal Aid Counsel has drawn the attention of the Court to Para Nos.3 & 4 of the application and has submitted that in light of the fact that the applicant was not aware of the legal remedies, available to her, against the order in issue, she could not approach the Court either within the period of limitation or some reasonable time. It is only after she was informed that she could approach the higher Court by obtaining legal aid, she sought legal aid and approached this Court, which has led to the delay in filing the application.

On the other hand, learned counsel for the respondent has drawn the attention of this Court to Para Nos. 3 & 4 of the application and thereafter has referred to Para 6 of the application and has submitted that the averments made in Para Nos.3 and 6 are mutually destructive. He submits that on one hand, the contention of the applicant is that she was not aware of the legal remedies , on the other hand, in para 6, it is submitted that after the order was passed in the Month of January, 2025, on account of the winter holidays, she could not contact her counsel . He submits that the record demonstrates that the applicant has not approached the Court with clean hands and therefore, the application deserves to be dismissed.

Having heard learned counsel for the parties and having gone through the averments made in the application, we are of the considered view that in the facts of the case, it would be in the interest of justice to condone the delay in filing the petition. The petitioner intends to assail the order that has been passed by the learned Court below in an application filed by her under Section 125 of the Criminal Procedure Code as she is not satisfied with amount of monthly maintenance that has been awarded in her favour by the learned Court below. This being the grievance of the applicant, we are of the considered view that it would be in the interest of justice, in case an opportunity is granted to the applicant to agitate this issue on merit before this Court.

Therefore, in order to do substantial justice, we are allowing this application by condoning 316 days in filing the petition.

The application stands disposed of.

CRMPMST 10945/25

Be registered.

Notice. Mr Surinder Kumar Saklani, learned counsel, accepts notice on behalf of the respondent.

List for consideration on **20.11.2026.**

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

October 26, 2026
(meera)