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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(MAT.) 262/2026 & CRL.M.As. 15173-15174/2026
MAHKAR SINGHPetitioner
Through: Mr. Misbahuddin Siddiqui, Mr.
Keshav, Mr. Inam Ahmad Khan,
Mr. Shoaib Khan, Advocates.
versus
MONA DHAMA & ORS.Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **13.05.2026**

**CRL.REV.P.(MAT.) 262/2026 & CRL.M.A. 15175/2026 (for
condonation of delay)**

1. This revision petition is directed against an order of the learned Family Court dated 25.05.2022, by which interim maintenance of Rs.15,000/- per month has been granted to the petitioner's wife [respondent No. 1 herein] and two children [respondent Nos. 2 and 3 herein].
2. At the outset, it is noted that the revision petition is belated by 1411 days. CRL.M.A. 15175/2026 has been filed for condonation of delay.
3. In the application, the contention of the petitioner is that his business had closed down in the COVID-19 pandemic; that there are civil proceedings pending between him and respondent No. 1 with regard to title over immovable properties; and that respondent No. 1 has understated her income. The petitioner has also referred to various



litigations pending between the parties, as a result of which it is contended that he has been facing financial difficulty.

4. In the course of arguments, Mr. Misbahuddin Siddiqui, learned counsel for the petitioner, also submits that the petitioner was suffering from mental depression as a result of the acts of respondent No. 1. In support of this contention, a single medical prescription has been annexed to the petition as Annexure A24. The prescription does not appear to bear any date, and is also indecipherable, to the extent that even the illness from which the petitioner allegedly suffered is not comprehensible. However, in the index it is stated that the prescription is dated 15.11.2022. The prescription thus relates to a time when the limitation period of 90 days for filing of the revision petition would, in any event, have lapsed. Nonetheless, a single prescription of 15.11.2022 is wholly insufficient to explain the delay in filing of the present petition, against an order dated 25.05.2022.

5. While considering an application for condonation of delay, the Court has to consider whether the applicant has shown “*sufficient cause*” to explain the delay, and also balance the interest of the applicant and the other stakeholders. The applicant’s interest in availing of his remedy on merits must be factored against the interest of the respondents in maintaining the finality of the order passed in their favour. Reference in this connection may be made to the judgment in *Ramlal, Motilal and Chhotelal v. Rewa Coalfields Ltd.*¹, wherein the Supreme Court held as follows:

¹ 1961 SCC OnLine SC 39.



“7. In construing Section 5 it is relevant to bear in mind two important considerations. The first consideration is that the expiration of the period of limitation prescribed for making an appeal gives rise to a right in favour of the decree-holder to treat the decree as binding between the parties. In other words, when the period of limitation prescribed has expired the decree-holder has obtained a benefit under the law of limitation to treat the decree as beyond challenge, and this legal right which has accrued to the decree-holder by lapse of time should not be light-heartedly disturbed. The other consideration which cannot be ignored is that if sufficient cause for excusing delay is shown discretion is given to the court to condone delay and admit the appeal. This discretion has been deliberately conferred on the court in order that judicial power and discretion in that behalf should be exercised to advance substantial justice. As has been observed by the Madras High Court in *Krishna v. Chathappan* [(1890) ILR 13 Mad 269] “Section 5 gives the court a discretion which in respect of jurisdiction is to be exercised in the way in which judicial power and discretion ought to be exercised upon principles which are well understood; the words ‘sufficient cause’ receiving a liberal construction so as to advance substantial justice when no negligence nor inaction nor want of bona fide is imputable to the appellant.””²

6. Further, the Supreme Court, in *Union of India v. Jahangir Byramji Jeejeebhoy*³ and *Pathapati Subba Reddy v. Collector (LA)*⁴, has clearly emphasized the requirement of “sufficient cause” being shown for condonation of delay. In *Pathapati Subba Reddy*, the Court, after advertent to its earlier decisions, laid down the following principles:

“28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

28.1. Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

28.2. A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

² Emphasis supplied.

³ 2024 SCC OnLine SC 489, paragraphs 26, 27, 32, and 33.

⁴ (2024) 12 SCC 336 [hereinafter, “*Pathapati Subba Reddy*”].



28.3. The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

28.4. In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

28.5. Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

28.6. Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

28.7. Merits of the case are not required to be considered in condoning the delay; and

28.8. Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”⁵

7. Applying the aforesaid principles to the facts of the present case, I find that the averments in the application, and documents filed therewith, do not make out a case of “sufficient cause” for such a long delay. The delay of 1411 days, i.e. almost four years since the date of the impugned order, is sought to be explained on the basis of vague and omnibus averments. Further, the impugned order is one of maintenance of Rs. 15,000/- in favour of the wife and two children, who were both minors. Their interest in receiving the maintenance amount from the petitioner – husband/father does not deserve to be imperiled on the basis of such vague and unsubstantiated explanation for an inordinately delayed

⁵ Emphasis supplied.



challenge. I am, therefore, not inclined to exercise the discretionary power of the Court to condone the delay in the present case.

8. CRL.M.A.15175/2026 is, therefore, dismissed. Consequently, the revision petition, alongwith applications, also stands rejected.

PRATEEK JALAN, J

MAY 13, 2026

'Bhupi/KA'/'