

CRR(F)-667 of 2025 (O&M)

2025:PHHC:078866



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

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Date of decision: 03.07.2025

Shiv Kumar Chauhan

.....Petitioner

Versus

Meenakshi

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: - Ms. Sapna Seth, Advocate,  
for the petitioner.

**NAMIT KUMAR, J.**

1. Accompanied by an application under Section 5 of the Limitation Act, seeking condonation of delay of 355 days, petitioner has preferred the present revision petition challenging the order dated 08.02.2024, passed by learned Principal Judge, Family Camp Court, Derabass, vide which petitioner-husband has been directed to pay interim maintenance of Rs.20,000/- per month to the respondent-wife from the date of filing of the application under Section 125 Cr.P.C.,

2. Petitioner and respondent are the legally-wedded husband and wife, who married on 11.12.1999. Out of the said wedlock, one daughter, namely, Lakshita Chauhan was born on 18.08.2003. However, with the passage of time, their relations turned sour, which culminated into litigation. Present revision petition is also the result of matrimonial discord between them.

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3. The applicant-petitioner has approached this Court by way of instant petition after an inordinate delay of 355 days, on the ground that the petitioner came to know about the impugned order on 05.12.2024 upon receipt of summons for execution of the said order. The plea taken by the applicant-petitioner is totally frivolous and does not have a leg to stand on as present revision petition has been filed after about five months even after the alleged date of knowledge of the impugned order. It is a settled principle of law that ignorance is not bliss. The object and purpose of the statute of limitation is to fix the life span of a legal remedy, so as to put an end to every legal remedy as it is futile to keep any litigation or dispute pending indefinitely. Furthermore, it is also settled proposition of law that delay of each and every day has to be explained, which is lacking in the case at hand. When a mandatory provision is not complied with and the delay is not properly, satisfactorily and convincingly explained, it ought not to be condoned on sympathetic grounds alone. The statutory provision of the law of limitation may cause hardship or inconvenience to a particular party, but the Court has no choice but to enforce it, giving full effect to its mandate. The legal maxim *dura lex sed lex*, which means "the law is hard but it is the law", stands attracted in such a situation.

4. It would be apposite, at this stage, even to refer to the decision of the Hon'ble Supreme Court in ***P.K. Ramchandran Vs. State of Kerala and another, AIR 1998 Supreme Court 2276***, wherein it was concluded that the law of limitation may harshly affect a

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particular party, but it has to be applied with all its rigor prescribed by the statute and the Courts have no power to extend the period of limitation on equitable grounds. Likewise, even in *N. Balakrishnan Vs. M. Krishnamurthy, (1998) 7 SCC 123*, the Supreme Court had observed that the object of fixing the time limit under the Limitation Act is not with the purpose to destroy the rights of the parties, but it is founded on public policy. It had been further observed that length of the delay is immaterial, acceptability of the explanation offered is the only criterion. Sometimes a delay of even the shortest duration may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned as the explanation thereof is satisfactory. However, as demonstrated hereinabove, the grounds set out in the present application do not constitute sufficient cause to condone the gross, inordinate and unexplained delay of 355 days. Needless to assert that Courts of law always yearn and endeavour to decide the *lis* on merits, unless a party owing to its negligence, inaction, willful and deliberate default, deprives itself of such indulgence.

5. In view of the aforesaid facts and circumstances, the explanation given by the petitioner for not approaching this Court by way of the instant petition within the period of limitation is neither plausible nor convincing and thus, does not inspire the confidence of this Court to condone the delay of 355 days. Because justice walks on

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timely track and time does not wait nor does the law bends. So one who is seeking relief is to defend each day's delay.

6. Even otherwise, the object and purpose behind granting maintenance is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of failure of marriage. At the same time, a just and careful balance must be struck to ensure that this provision does not degenerate into a weapon to punish the other spouse. The Courts are required to conduct the maintenance proceedings while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were enacted as a measure to further social justice and protect dependent women, children and parents, which also fall within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India.

7. A three-Judge Bench of the Hon'ble Supreme Court in ***Vimala (K.) v. Veeraswamy (K.) (1991) 2 SCC 375*** opined as follows:

*"3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing, and shelter to the deserted wife....."*

8. Another objective the legislature has sought to achieve by this provision is to provide maintenance *pendente lite* to the applicant spouse during proceedings emerging out of matrimonial disputes so

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that she/he can maintain herself/himself, have sufficient funds to pursue the litigation, and not suffer at the instance of the affluent spouse.

9. In view of the above settled proposition of law, at the threshold, the instant revision petition is barred by limitation and besides this, the petitioner who is Director of a security and manpower company having 20 employees and annual turnover of about Rs.46,00,000/- in the year 2021-22, could not satisfy this Court to believe his non-earning status and moreover, the father of the petitioner is a retired army officer, who is drawing pension, so liability of the petitioner to maintain his parents is also on lesser side, therefore, this Court is of the considered opinion that there is no irregularity and any ground to interfere with the impugned order dated 08.02.2024, passed by learned Principal Judge, Family Camp Court, Derabassi, District SAS Nagar.

10. Consequently, the instant petition stands dismissed on the ground of delay as well as on merits.

**(NAMIT KUMAR)**  
**JUDGE**

03.07.2025  
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No