

CRR(F)-346 of 2025 (O&M)

2025:PHHC:039557



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

CRR(F)-346 of 2025 (O&M)

Date of decision: 17.03.2025

Mohini Kumari

.....Petitioner

Versus

Shri Parveen Sisodiya

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Shikha Khullar, Advocate,
Legal-aid counsel for the applicant-petitioner.

NAMIT KUMAR, J.

1. The present revision petition has been filed by the petitioner challenging the order 06.09.2022, passed by learned Additional Principal Judge, Family Court, Faridabad, in the application filed under Section 125 Cr.P.C. whereby an amount of Rs.6000/- per month has been granted to her as maintenance to be paid by the respondent-husband from the date of filing of the petition, accompanied by an application filed under Section 5 of the Limitation Act, seeking condonation of delay of 813 days in filing the same on the ground that the petitioner is a poor lady, unaware of her legal rights and the instant petition has only been filed after providing the legal aid services by this Court.

2. The petitioner has approached this Court by way of instant petition after an inordinate delay of 813 days on the ground that the petitioner is pauper. She has no legal knowledge and the instant petition has itself been filed after legal aid was provided to her by this Court. It is settled principle of law that ignorance is not bliss. The



Hon'ble Supreme Court in *The Swadeshi Cotton Mills Co. Ltd. Vs. The Government of U.P. and others, 1975(4) SCC 378* has held that ignorance of law is not an excuse for not taking appropriate steps within limitation. 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 mandatory provision is not complied with and delay is not properly, satisfactorily and convincingly explained, it ought not to be condoned on sympathetic grounds alone. The statutory provision of 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 the same. The legal maxim *dura lex sed lex* which means "the law is hard but it is the law", stands attracted in such a situation.

3. 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 law of limitation may harshly affect a particular party but it has to be applied with all its rigor prescribed by statute and the Courts have no power to extend 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 right of the parties but it is founded on public policy. It had



been further observed that length of delay is no matter, acceptability of the explanation is the only criterion. Sometimes delay of the shortest range 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 application do not constitute sufficient cause to condone the gross, inordinate and unexplained delay of 813 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.

4. In view of the aforesaid facts and circumstance, the explanation given by the petitioner for not approaching this Court by way of 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 813 days. Consequently, the instant petition stands dismissed on the ground of delay.

17.03.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No