2026:HHC:38479

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.1189 of 2026

Decided on: 08.09.2026

Jagdish Kumar **...Applicant**

Versus

Pariksha Devi & others **... Respondents**

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
Hon'ble Mr. Justice Yogesh Jaswal, Judge
Whether approved for reporting?[1] **YES**

For the applicant : Mr. V.S. Kanwar, Advocate

For the respondents : Mr. Sarthak Upadhyay, Advocate

Ajay Mohan Goel, Judge *(Oral)*

Respondents stand served. Mr. Sarthak Upadhyay, learned counsel has put an appearance on behalf of the respondents.

2. By way of this application, a prayer has been made for condonation of 255 days delay in preferring the present revision petition.

3. Having perused the averments made in the application and having heard the learned counsel for the applicant/appellant, we are of the considered view that no cogent ground has been made out by the applicant/ appellant for condonation of delay in filing the revision. The reasons, which have been given in the application, justifying the delay in approaching the Court, read as under:-

"2.That it is humbly submitted by the Applicant/Appellant that

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

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the Applicant/Appellant had no knowledge of the order dated 15.05.2025 passed by the Ld. Court below, as the present Applicant/Appellant was unable to contact the counsel engaged before the Ld. ADJ, Family Court, Nahan, and neither did the said counsel ever inform the Applicant/Appellant regarding the passing of the aforesaid order. It is further submitted that the record itself reveals that the then counsel had applied for the certified copy on 01.08.2025, however, thereafter neither information communicated to the Applicant/Appellant nor was the certified copy ever collected from the copying agency. The date of delivery of the certified copy is shown as 08.05.2026, which clearly establishes that the delay in filing the accompanying appeal is neither willful nor intentional, but occurred due to bona fide circumstances beyond the control of the Applicant/Appellant.

3. That it is further evident from the record itself that the then counsel for the applicant/appellant had applied for the certified copy on 01.08.2025, however, thereafter neither did he communicate the status of the matter to the applicant/appellant nor did he ever collect the certified copy from the record. The date of delivery of the certified copy is reflected as 08.05.2026, which clearly demonstrates that the delay in filing the accompanying appeal is neither willful nor intentional, but has occurred due to bona fide circumstances beyond the control of the applicant/appellant."

4. A perusal of the order under challenge demonstrates that the order was announced by the Court in the presence of the learned counsel for the present applicant/appellant. In light of the fact that the applicant was duly represented by a counsel, this Court has no occasion to believe the justification, which has been given in Paras No.2 and 3 of the application. The same appears to be nothing but a concocted version, just to justify the

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delay in approaching the Court. Otherwise also, the delay in approaching the Court is of 255 days. With the expiry of limitation, a right stands accrued upon the the other party, as after the expiry of the limitation, the other party is under a bonafide belief that either no challenge shall be made to the order in issue or challenge if any shall be made within some reasonable time.

5. In these circumstances, in case, delay of 255 days, and that too, when there is no cogent explanation put forth by the applicant/appellant explaining the delay, is condoned, obviously, it will cause prejudice to the other party.

6. Accordingly, in light of the above observations, this Court does not find any reason to allow the present application and the same is accordingly dismissed, so is the fate of the accompanying revision petition. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 08, 2026
(*meera*)

High Court of H.P.

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