



2026:AHC:214414

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION DEFECTIVE No. - 2005 of 2026

Data Ram

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Ajay Kumar Vashistha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

Criminal Misc. Delay Condonation Application

1. Heard Mr. Ankit Tiwari, Advocate holding brief of Mr. Ajay Kumar Vashistha, learned counsel for the revisionist.
2. Learned counsel for the revisionist submits that he has preferred the instant criminal revision along with the delay condonation application as there is delay of 645 days and with the relief which has been mentioned in the prayer clause of the revision. The relief which has been mentioned in the revision is delineated below:-

"It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this Criminal Revision and set-aside the impugned judgment and order dated 17.09.2024, passed by the Principal Judge, Family Court, Kasganj in Criminal Case No. 206 of 2022, (Smt. Poonam and others Vs. Data Ram), under section 125 Cr.P.C., Police Station- Kasganj, District-Kasganj, by which the Principal Judge, Family Court, Kasganj, allowed the application of the Opposite Party no.2 under section 125 Cr.P.C. and the revisionist was directed to pay Rs. 3,000/- per month of favour of the Opposite Party no.2 and also allowed the maintenance as such Rs.1,000/- each in favour of Opposite Party no.3 and 4 minor child of the Opposite Party no.2/revisionist uptill minority, since the date of filing of this application dated 18.04.2022, by the 1st

week of every month, has been passed, otherwise the Revisionist shall suffer an irreparable loss and injury."

3. Learned counsel for the revisionist submits that the reasons for the delay have been duly explained in the affidavit filed in support of the delay condonation application. He further submits that the amount of maintenance granted to the wife and children is not commensurate with the source of income of the revisionist and, therefore, the impugned order is liable to be modified or set aside.

4. This Court has perused the record and finds that the maintenance order was passed on 17.09.2024, nearly two years ago, whereas the revisionist has approached this Court after a delay of 645 days. Upon a query being made by this Court as to whether the order of maintenance has been executed, learned counsel for the revisionist expressed his inability to state whether any application for execution of the order has been filed under Section 125(3) Cr.P.C./128 Cr.P.C.

5. This Court finds that the present revision has been filed after an inordinate delay of 645 days and that no document has been annexed to the paper book to indicate whether any execution proceedings in respect of the maintenance order are pending or have been initiated. However, the Hon'ble Supreme Court in the judgment of **Periyammal (Dead) v. V. Rajamani; (2025) 9 SCC 568**, held that the execution pending in the various Courts shall be decided and disposed of within a period of six months without fail.

"76. The mandatory direction contained in para 42.12 of Rahul S. Shah [Rahul S. Shah v. Jinendra Kumar Gandhi, (2021) 6 SCC 418 : (2021) 3 SCC (Civ) 569] requiring the execution proceedings to be completed within six months from the date of filing, has been reiterated by this Court in its order in Bhoj Raj Garg v. Goyal Education & Welfare Society [Bhoj Raj Garg v. Goyal Education & Welfare Society, (2025) 9 SCC 618].

77. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter

proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the Presiding Officer concerned would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports."

6. In compliance with the aforesaid order of the Hon'ble Apex Court, the learned Registrar General of this Court issued a Circular to all the District and Sessions Judges, Principal Judges, Family Courts and Presiding Officers of Commercial Courts, MACTs, and LARRAs vide C.L. No. 16/Admin G-II, dated 24.05.2025. The relevant portion of the circular is delineated below :-

"During the course of hearing aforesaid Civil Appeals, Hon'ble Supreme Court vide order dated 06.03.2025 (pdf copy enclosed), has revisited its observations made in Rahul S. Shah v. Jinendra Kumar Gandhi reported as (2021) 6 SCC 418 wherein guidelines and directions for conduct of execution proceedings were laid down. Hon'ble Supreme Court has further raised its concern over long and inordinate delay at the end of the Executing Courts across the country in deciding execution petitions and passed certain directions for expeditious disposal of execution petitions.

In this regard, while enclosing pdf copy of the order dated 06.03.2025 passed by Hon'ble Supreme Court and the data regarding district wise pendency of Execution cases in U.P. as on 31.03.2025, I am directed by Hon'ble Court to request you to ensure that the execution petitions pending in various courts be decided and disposed of within a period of six months without fail otherwise the concerned Presiding Officer would be answerable to this Court on its administrative side."

7. All the trial courts falling within the jurisdiction of the State of Uttar Pradesh are directed to comply with the directions issued by the Hon'ble Supreme Court in the judgment of **Periyammal** (supra) and the circular dated 24.05.2025 issued by the Registrar General of this Court and to

ensure that execution applications in maintenance cases are decided within a period of six months. Any failure to comply with these directions may amount to contempt of the Hon'ble Apex Court as well as this Court.

8. In view of the submissions advanced by learned counsel for the revisionist and considering that the reasons assigned in the affidavit filed in support of the delay condonation application are not found sufficient to explain the delay of 645 days in filing the revision, this Court finds no good ground to condone such an inordinate delay. Accordingly, the delay condonation application is dismissed and consequently, the revision is also dismissed being barred by limitation.

9. The Registrar (Compliance) is directed to communicate this order to the Principal Judge, Family Court, Kasganj for further necessary action.

(Praveen Kumar Giri,J.)

October 13, 2026

K.Tiwari