

IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A. No. 203 of 2026

Sudha Kumari

... Appellant

Versus

Niranjan Kumar

... Respondent

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Shyam Narsaria, Advocate

For the Respondent : Mr. Avishek Prasad, Advocate

: Ms. Sanjana Kumari, Advocate

03/Dated: 12th June, 2026

I.A. No. 15848 of 2025:

1. The instant interlocutory application has been filed under Section 5 of the Limitation Act to condone the delay of 835 days in filing the instant appeal.
2. Learned counsel appearing for the appellant has submitted that the delay has been caused in filing of appeal due to the financial crisis because she is having no source of income and she is to take care of her son.
3. It has further been stated in the delay condonation application that she was having no sufficient knowledge of the proceedings.
4. It has been further stated and the ground has been taken that the appellant has filed a suit for dissolution of marriage being Original Suit No. 78/2021 which is pending in the Court of Additional Principal Judge Family Court-I, Ranchi and it has been stated in the said suit, an application was filed under Section 24 of the Hindu Marriage Act, 1955 which has been allowed vide order dated

06.03.2024, and a sum of Rs. 7,000/- was directed to be paid to the wife (the appellant herein), but no amount is being paid.

5. It has been submitted by the learned counsel that the appellant/applicant is facing very hardships due to the no means of income and also she is taking care of upbringing of her son and these reasons have caused delay of 835 days in filing the instant appeal.
6. Learned counsel, based upon the aforesaid, has submitted that the delay of 835 days in filing the instant appeal may be condoned.
7. Although any objection to the delay condonation application has not been filed, but Ms. Sanjana Kumari, learned counsel for the respondent, has seriously opposed in condoning the delay of 835 days.
8. Heard learned counsel for the parties.
9. Being conscious with the fact that irrespective of the period of delay, if the sufficient cause is being shown by the litigant concerned, in condoning the delay, it is the sufficient cause which is to be taken into consideration to condone the delay.
10. This Court has proceeded in the aforesaid premise to consider as to whether the delay of 835 days in filing the appeal is fit to be condoned or not.
11. The ground has been stated in the delay condonation application is the issue of financial crises of the appellant-wife and taking care of herself as also the upbringing of her minor son (now major), who is a student of BCA-3rd Year.

- 12.** It has also been stated at Para-7 of the delay condonation application that the application filed under Section 24 of the Hindu Marriage Act in Original Suit No. 78/2021 has been allowed in favour of the applicant vide order dated 06.03.2024, but even after a lapse of 2 years, no monthly maintenance is being paid, and the fact has not been disputed by the learned counsel for the respondent.
- 13.** The question is that the arrangement which has been made in the statute by insertion of provision of Section 24 of the Hindu Marriage Act, 1955 is for the purpose of sustenance/maintenance of the spouse.
- 14.** The bona fide of the respondent would have been if the direction which was passed in the aforesaid application would have been complied with, but no monthly maintenance is being given, said to be the interim *pendente lite*, in view of the order passed under Section 24 of the Hindu Marriage Act, 1955.
- 15.** As has been stated in Para-7 of the delay condonation application having not been reverted, since, no affidavit-in-objection has been filed on behalf of the respondent, although the copy of the interlocutory application has been served upon the respondent.
- 16.** The appearance of the respondent is on the basis of the order dated 23rd April, 2026 – the day, when the notice was issued upon the respondent, but no affidavit in rebuttal to the instant interlocutory application has been made.
- 17.** This Court, considering the fact as enumerated in the instant

interlocutory application, is of the view that the delay in filing the instant appeal is fit to be condoned, otherwise, the appellant will suffer irreparable loss and injury.

18. This Court, considering the aforesaid fact, is hereby condoning the delay of 835 days in filing the instant appeal.

19. Accordingly, the interlocutory application being I.A. No. 15848 of 2025 is allowed, and as such, disposed of.

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20. Heard learned counsel for the parties.

21. Admit.

22. Call for the Trial Court Records.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

12th June, 2026
Samarth