



2026:DHC:5857-DB



*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 10.07.2026

Pronounced on: 24.07.2026

+ MAT.APP.(F.C.) 102/2026

ISHAAN BHATIA

.....Appellant

Through: Mr. Sanjay Lao, Dr. Kamini L.,
Mr. Somesh Arora, Mr. Ritwik
Batra, Mr. Pushpender Dagar &
Ms. Swati Jha, Advs.

versus

GEHENA BHATIA

.....Respondent

Through: Ms. Malavika Rajkotia, Mr.
Mayank Grover & Ms. Purva
Dua, Advs.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE RENU BHATNAGAR

J U D G M E N T

CM APPL. 19072/2026 (Delay)

1. The present application has been filed by the appellant under Section 5 of the Limitation Act (hereinafter referred to as the "Limitation Act"), 1963 seeking condonation of the delay of 116 days in filing the present appeal.

2. The present appeal has been filed challenging two orders; (i) order dated 17.10.2025 passed by the learned Judge, Family Court, South District, Saket, New Delhi (hereinafter referred to as the



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"Family Court") in H.M.A. No. 1353/2023, titled ***Gehena Bhatia v. Ishaan Bhatia***, whereby the application preferred by the respondent/wife under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as the "HMA") was partly allowed, and the appellant/husband was directed to pay interim maintenance to the respondent/wife at the rate ₹8,00,000/- per month and, (ii) subsequent order dated 19.02.2026, whereby the learned Family Court dismissed the review application preferred under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, 1908, against the order dated 17.10.2025 and imposed costs of ₹25,000/- upon the appellant.

3. The marriage between the appellant/husband and the respondent/wife was solemnised on 28.08.2016 in accordance with Hindu rites and ceremonies. Owing to the matrimonial discord, the appellant filed a divorce petition, wherein the respondent had filed an application under Section 24 of the HMA claiming interim maintenance.

4. The learned Family Court *vide* order dated 17.10.2025, partly allowed the application under Section 24 of the HMA filed by the respondent and directed the appellant/husband to pay an interim maintenance of Rs. 8,00,000/- per month to the wife.

5. Aggrieved by the grant of interim maintenance, the appellant/husband invoked the review jurisdiction of the learned



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Family Court by filing an application under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, 1908, seeking review of the order dated 17.10.2025. The learned Family Court, after examining the matter on merits, dismissed the review application vide order dated 19.02.2026, while imposing costs of ₹25,000/- upon the appellant.

6. After the dismissal of Review Petition on 19.02.2026, the appellant has instituted the present appeal challenging both the orders of 17.10.2025 and 19.02.2026 accompanied by the present application under Section 5 of the Limitation Act, 1963, seeking condonation of the delay in filing the appeal.

7. Learned counsel appearing for the appellant submits that the delay in preferring the present appeal is only *qua* the order dated 17.10.2025, which occurred on account of the appellant having first assailed the said order by way of a review application before the learned Family Court, otherwise the appeal is within limitation of 30 days from the order dated 19.02.2026 on the review application. It is contended that the review proceedings were pursued bona fide and in good faith, in the belief that the grievances raised therein merited reconsideration by the Court, which had passed the impugned order. In this regard, reliance is placed upon ***State of Manipur & Ors. v. All Manipur Regular Post Vacancies S.T.A. & Ors.*** (1997) 10 SCC 385 and ***Shivom Minerals Ltd. v. Bajrang Metalics Ltd.*** 2023 SCC



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OnLine Ori 7108. It is further submitted that the appellant was diligently prosecuting the said statutory remedy and, immediately upon its dismissal on 19.02.2026, instituted the present appeal without any delay within the limitation period.

8. Per Contra, the learned Counsel for the respondent opposed the present application contending that the limitation period for filing an appeal cannot be extended merely because the party has chosen to pursue a review remedy, just to protract the proceedings. It is stated that instead of filing review against the order dated 17.10.2025, the appellant should have filed the appeal. But, he had chosen to file review with *mala fide* intention just to delay the maintenance proceedings. It was further contended by the learned Counsel for the respondent that the review application itself had been preferred by the appellant before the learned Family Court after some delay, and that no equitable indulgence ought to be extended to the appellant on the strength of a remedy which was itself belatedly invoked.

9. We have heard learned counsel for the parties and perused the record. The short question which arises for consideration is whether the appellant has shown "sufficient cause" within the meaning of Section 5 of the Limitation Act, 1963, so as to warrant condonation of the delay in filing the present appeal.

10. The law governing condonation of delay is well settled. The expression "sufficient cause" occurring in Section 5 of the Limitation



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Act is elastic and must receive a liberal, pragmatic and justice-oriented interpretation so as to advance substantial justice. At the same time, such discretion is not to be exercised mechanically. The Court must be satisfied that the delay is bona fide, adequately explained, and is not attributable to negligence, deliberate inaction or lack of due diligence.

11. It is pertinent to rely upon ***B. Madhuri Goud v. B. Damodar Reddy***, (2012) 12 SCC 693, in which, the Hon'ble Supreme Court observed as under:

"6. The expression 'sufficient cause' used in Section 5 of the Limitation Act, 1963, and other statutes is elastic enough to enable the courts to apply the law in a meaningful manner which serves the ends of justice. No hard-and-fast rule has been or can be laid down for deciding the applications for condonation of delay, but over the years, courts have repeatedly observed that a liberal approach needs to be adopted in such matters so that substantive rights of the parties are not defeated only on the ground of delay."

12. Examining the facts of the present case in light of the aforesaid principles, it is not in dispute that before preferring the present appeal against the order dated 17.10.2025, the appellant invoked the review jurisdiction of the learned Family Court by filing an application under Order XLVII Rule 1 read with Section 114 CPC. The review petition was entertained, heard on merits and ultimately came to be dismissed by the learned Family Court vide order dated 19.02.2026.

13. The explanation offered by the appellant is that he was bona fide pursuing the remedy of review before the learned Family Court



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and approached this Court immediately upon dismissal of the said review application. Significantly, the review petition was neither rejected at the threshold nor dismissed as not maintainable or being belatedly filed. Rather, the learned Family Court adjudicated the review application on the merits. In such circumstances, it cannot be said that the appellant had adopted a frivolous, vexatious or dilatory course of action. The mere dismissal of the review petition would not, by itself, render the pursuit of such remedy mala fide or lacking in good faith, which remedy is duly available under the law.

14. As regards the contention of the learned Counsel for the respondent that the review application was itself preferred by the appellant with some delay before the learned Family Court, we find no merit in this submission for the purposes of the present application. It is significant that the learned Family Court did not decline to entertain the review on the ground of delay, nor dismiss it as not maintainable; instead, it examined the review on merits and rejected it only after full consideration. Once a court having seized of an application chooses to adjudicate it on merits rather than reject it at the threshold, the party who has bona fide pursued that remedy cannot, at a later stage, be visited with the consequence of the review having been belatedly filed, for the purpose of assessing sufficient cause in the subsequent appeal. Reliance in this regard may usefully be placed on ***Inder Singh v. State of Madhya Pradesh***, 2025 SCC OnLine SC 600, where the



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Hon'ble Supreme Court condoned the delay in filing a Second Appeal even though the review petition preferred by the litigant before the First Appellate Court had itself been dismissed on the ground of delay, holding that a matter requiring adjudication on merits ought not to be scuttled merely on the basis of limitation. If delay in filing an appeal can be condoned even where the anterior review stood dismissed for delay, the case for condonation stands on a still stronger footing where, as here, the review has actually been heard and dismissed on merits.

15. It is no doubt true that the mere pendency of a review petition does not automatically extend or suspend the period of limitation prescribed for filing an appeal. However, while considering an application under Section 5 of the Limitation Act, the Court is not concerned merely with the computation of limitation but with whether the explanation furnished constitutes "sufficient cause". The fact that a litigant has bona fide prosecuted a review petition is undoubtedly a relevant circumstance which the Court may take into consideration while exercising its discretionary jurisdiction under Section 5.

16. In the present case, nothing has been brought on record to indicate that the delay was deliberate, intentional or actuated by any ulterior motive. On the contrary, the appellant appears to have diligently pursued the remedy available to him before the same Court and thereafter approached this Court without any undue delay.



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Equally, no material has been placed before us to demonstrate that the respondent would suffer any irreversible prejudice if the delay is condoned. In these circumstances, denying the appellant an opportunity to prosecute the appeal on merits would result in elevating procedural technicalities over substantial justice.

17. Having regard to the totality of the facts and circumstances, and applying the principles laid down by the Hon'ble Supreme Court in **B. Madhuri Goud** (supra), we are satisfied that the appellant has demonstrated sufficient cause within the meaning of Section 5 of the Limitation Act. The explanation furnished is bona fide, plausible and inspires confidence. Accordingly, the application seeking condonation of delay deserves to be allowed.

18. Consequently, the application is allowed. The delay of 116 days in filing the present appeal is condoned.

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19. List on 28.09.2026.

VIVEK CHAUDHARY, J.

RENU BHATNAGAR, J.

JULY 24, 2026/*neha/mm*