

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No. 1329/2025

CrIM No. 2467/2025

Surinder Mumar

.....Appellant(s)

Through: Mr. Dhiraj Choudhary, Advocate

Vs

Nirmala Devi

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
16.12.2025

01. Heard.

02. Through the medium of the instant petition filed under the provisions of Section 529 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS" for short), petitioner has sought reliefs to the extent:-

- i. That the order dated 28.08.2023 passed by the learned Judicial Magistrate (2nd Additional Munsiff), Jammu in a petition under Domestic Violence Act filed by the respondent titled "*Nirmala Devi vs. Surinder Kumar*" by which he has been ousted from his own house situated at Village Kotli Chakran, Tehsil Bishnah, District Jammu and rendered homeless, besides being directed to pay Rs.5000/- per month to the respondent/complainant be quashed.
- ii. That the respondent/complainant be directed to remove herself from the house of the petitioner in connection whereof he is ready

to provide Rs.2500/- per month as rent charges for alternate accommodation of the respondent.

- iii. Learned Additional Sessions Judge, Jammu seized of the appeal against the order dated 28.08.2023 of learned Judicial Magistrate (2nd Additional Munsiff), Jammu titled “*Surinder Kumar vs. Nirmala Devi*” be directed to dispose of the same expeditiously and preferably within a period of one month.
- iv. Learned Judicial Magistrate (2nd Additional Munsiff), Jammu be directed to decide the pending application under Section 12 of Protection of Women from the Domestic Violence Act, 2005 by the respondent expeditiously.

03. It is the case of the petitioner that he despite having been already deserted by the respondent-wife has been implicated in the false and frivolous litigations having been filed by the respondent in terms of the provisions of Section 125 of the Code of Criminal Procedure and Section 12 of the Domestic Violence Act. That orders to his *prejudice* have been granted in the aforesaid matters regarding payment of maintenance and providing of residence. That by the order dated 28.08.2023 impugned in the petition, he has been thrown away from his own residential house. That he has already preferred an appeal against the said order dated 28.08.2023, which is pending in the Court of learned Additional Sessions Judge, Jammu since October, 2023. That delay in disposal of the petition under Section 12 of DV Act and the appeal under Section 29 of DV Act has aggravated his problem.

04. It is submitted by the learned counsel for the petitioner that the grievance

of the petitioner shall be redressed in case appropriate orders are passed regarding expeditious disposal of the pending complaint and the appeal before the concerned Courts.

05. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of even at this threshold stage by passing of appropriate directions regarding expeditious disposal of the pending complaint and the appeal by the concerned Courts, which are otherwise, under a legal obligation to do the needful.

06. Accordingly, the instant petition is disposed of with the direction to the Courts of learned Additional Sessions Judge, Jammu and learned Judicial Magistrate (2nd Additional Munsiff), Jammu to ensure the expeditious disposal of the pending appeal and the complaint. The learned Additional Sessions Judge, Jammu shall make an endeavour to decide the pending appeal within a period of two months from the date of receipt of a copy of this order.

07. Disposed of.

(Mohd. Yousuf Wani)
Judge

Jammu
16.12.2025
Riya Kochhar