

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.245 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- NAWADA

1. Sadat Akhtar, S/O Late Md. Jamil Khatar, resident of Mohalla Mirdah Toli Par Nawada, Police Station Bundelkhand, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Murshat Jahan, W/O Md. Faiyaz Ahamad, resident of Mohalla- Mirdah Toli, Ward No. 24, Police Station Bundelkhand, District Nawada.
3. Shahanawaz Alam, son of late Md. Idrish,
4. Khabil Akhtar, son of late Jamil Akhtar,
5. Sakil Akhtar, son of late Jamil Akhtar,
6. Azad Akhtar, son of late Jamil Akhtar, all are resident of Mohalla-Mirdah Toli, P.S.-Bundelkhand, District- Nawada.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Respondent/s : Mr. Devendra Pd. Singh, Advocate
APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-08-2015

The Petitioner seeks quashing of the order/judgment dated 21.02.2014 passed by the *Ad hoc* Additional District Judge, III, Nawada, in Cr. Appeal No.60 of 2013/01 of 2014 by which he has affirmed the order dated 29.10.2013 passed by the Judicial Magistrate, 1st class, Nawada, in Complaint Case No. 284 of 2013 instituted under the provision of Domestic Violence Act.

By the aforesaid impugned orders, the Petitioner had been directed to restrain himself from disposing the Opposite Party No.2 from the rightful share.

Submission of the Petitioner is that in the garb of a proceeding under the Domestic Violence Act, the Opposite Party No.2 is trying to grab the entire property even though the room that she is claiming as her had been apportioned to the Petitioner. In such circumstances, the impugned orders should be set aside.

Since it would be difficult to hold an enquiry in regard to the aforesaid, the application is disposed off with liberty to the parties to approach the Court below once again within three weeks from the date of receipt of a copy of this order in the Court below asking for spot enquiry by a competent Officer so that the matter can be finally sorted out.

Application stands disposed off.

(Anjana Prakash, J)

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