

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6266 of 2015 (O/M)
Date of decision : 22.9.2015

Madhu

..... Revisionist

Versus

Sanjay Nayyar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Parminder Singh, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 27.8.2015 (Annexure-P-6), passed by the learned Civil Judge (Junior Division), Karnal, vide which the objections filed by the present revisionist, were dismissed.

Suffice to say that on 30.10.2013, a decree for mandatory injunction was passed against the defendants/proforma respondents No. 3 and 4 herein to hand over the vacant possession

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of the house in dispute within two months to the plaintiffs/respondents No. 1 and 2 herein. It is to be noted that plaintiff No. 1 and defendants No. 1 and 2, in this case, are the real brothers. Plaintiff No. 2 is the wife of plaintiff No. 1. Later on, in the year 2014, an execution was filed, in which the present objections were filed by Madhu (wife of defendant No. 1), claiming that she is in possession of the disputed house as per the settlement between her and her husband dated 26.6.2010. The objections were summarily dismissed.

Learned counsel for the revisionist contends that the revisionist (wife) had obtained an order under the Domestic Violence Act, 2005 against her husband and the plaintiffs also.

I am of the view that it is a case where the wife has come to the rescue of her husband to defeat the decree passed against her husband. Any settlement between husband and wife is not binding on the plaintiffs. The alleged domestic violence happened in the year 2014 when the execution was already filed. Therefore, apparently the husband and wife have devised a mean to defeat the decree passed against husband (defendant No. 1). Therefore, the objections were rightly dismissed summarily.

The authority of this Court in Pohlo Ram Sharma and others Versus Narinder Singh Randhawa and others, 2008 (1) RCR (Civil) 442 will not attract in the present case because in the present

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case, the objector/wife is not a stranger, but she is seeking her rights through her husband/JD.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

22.9.2015
sjks