

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23890 of 2016 (O&M)
Date of Decision: 27.10.2016

Renu Prashar

.....Petitioner

Vs.

Dinesh Prashar

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Dinesh Sharma, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

This petition has been filed under Section 482 for quashing of the order dated 16.07.2015 (Annexure P-3) under Protection of Women from Domestic Violence Act, 2005 and also quashing of the order dated 11.04.2016 (Annexure P-5) passed in review/recalling the application, whereby the prayer for recalling of the order dated 16.07.2015 was also dismissed by the learned Addl. Sessions Judge, Chandigarh and also for modifying the order dated 24.05.2014 (Annexure P-2) whereby, learned JMIC Chandigarh, omitted to pass the competent orders as per compromise/settlement deed dated 23.04.2013 (Annexure P-1).

Learned counsel for the petitioner submits that as per compromise dated 23.04.2013, it has been agreed between the parties that respondent will pay Rs.2,000/- per month to the petitioner as interim maintenance which was mentioned also in the order dated 24.05.2014 but no final order has been passed under Domestic Violence Act, by the Court below. Thereafter, petitioner filed the application for recalling the order

Chandigarh, by giving the reasons that the petitioner's earlier counsel had inadvertently made statement to withdraw the said appeal under some misconception of fact and there was no reason or occasion to withdraw the said appeal but vide order dated 11.04.2016, the said application was also dismissed by the Court below.

In view of the above, this petition is disposed of by giving directions to the petitioner to approach the Judicial Magistrate concerned who will pass the final order on the compromise after giving notice to the respondent.

(RITU BAHRI)

JUDGE

27.10.2016

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>