

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision No. 1795 of 2016
Date of Decision: 19.12.2016**

Shivjit Singh and another

.....Petitioners

Versus

Rupinder Kaur

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. K.L.Kohli, Advocate
for the petitioners.

ANITA CHAUDHRY, J(ORAL)

This revision is directed against the order dated 29.3.2016 vide which the appeal filed by the petitioners had been dismissed.

I have heard the counsel for the petitioner at great length.

A complaint had been filed by Rupinder Kaur under the Domestic Violence Act. The trial Court allowed Rs. 3,000/- as maintenance and Rs. 3,000/- as rent besides awarding litigation expenses. Against that order an appeal was preferred before the Additional Sessions Judge which has been dismissed.

Counsel for the petitioners contends that the complaint has been filed as a counter-blast to the complaint made by the petitioners and the Courts below have not considered this fact and the complaint does not refer to any domestic incident. The counsel further urges that the Court should not have allowed rent for the accommodation as the respondent had left the matrimonial home on her own in the company of her parents and

student and has no income. The counsel was asked to refer to the pleadings and show whether this fact was pleaded which he has been unable to point out.

Petitioner has placed on record Annexure P-1 to show that the petitioner (wife) had alleged that respondent No. 1 (husband) was a big land owner and owned properties in Patiala, Chandigarh and Zirakpur and his income was not less than Rs. 1.00 lac. In the reply submitted in response to the complaint, I find that those have not been specifically denied. There is no material to show at this stage that the petitioner is a student.

The fact whether the complaint is a result of counter-blast to the FIR or whether there was any domestic incident is the matter which is to be considered by the Court below. For the present, the trial Court has awarded maintenance which is not on the higher side.

There is no merit in the revision and is dismissed in limine.

Lower Court record be sent back.

**(ANITA CHAUDHRY)
JUDGE**

December 19, 2016
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No