

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2916-2016

Date of Decision:- 07.12.2016

Kuldeep Singh

....Petitioner

Versus

Kamaljit Kaur and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.S. Sidhu, Advocate, for the petitioner.

Mr. Raj Kaushik, Advocate, for respondent No.1.

Mr. Himmat Singh, AAG, Haryana.

RITU BAHRI, J. (Oral)

Petitioner has come up in revision against order dated 02.06.2016, passed by learned Additional Sessions Judge, Patiala whereby an appeal filed against order dated 20.10.2015, passed by learned Judicial Magistrate 1st Class, Patiala, has been dismissed.

Vide order dated 20.10.2015, the interim relief granted to respondent No.1 to the extent that she will not be dispossessed from portion of House No.200/48/4A, Prem Nagar, Bhadson Road, Patiala, in any manner except in due course of law.

Vide order dated 02.06.2016, the learned Additional Sessions Judge, Patiala, in paragraph No.10, has held as under: -

“Section 19 of the Act pertains to residence orders where on being satisfied that there are incidents of domestic violence, the Magistrate may

pass residence orders. These include; restraining dispossession or disturbance in possession of the aggrieved person from the shared household; directing the respondent to remove himself from the shared household; restraining the respondents from entering the portion of the shared household in possession of the aggrieved person; restraining the respondent from disposing of his share in the shared household in any manner or an order to provide alternate accommodation. A perusal of the impugned order dated 20.10.2015 would show that the learned lower court has well addressed this grievance of the petitioner. So far as possession of the petitioner in any portion of the shared household is concerned, the respondents themselves have admitted that the petitioner along with her husband is residing in one room in the house in question. So this relief has been rightly granted by the trial Court.”

Learned counsel for the petitioner has argued that service of respondent No.2 even in this petition has been effected in House No.66-F/B, Near Lalli Karyana Store, Seona Chowk, Ranjit Nagar, Patiala where she was residing along with her husband Hardeep Singh and the main petition is pending for consideration.

Keeping in view the fact that at present respondent No.1 is not residing in House No.200/48/4A, Prem Nagar, Bhadson Road Patiala, the present is disposed of and order dated 20.10.2015, passed by learned Judicial Magistrate 1st Class, Patiala, is hereby modified to the extent that right of respondent No.1 for staying in the joint house will be considered at the final stage of the trial.

December 07, 2016
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No