

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 4329 of 2015

Date of decision : 16.05.2016

Rajesh Kumar Arora

... Petitioner

versus

Suman Arora and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Amarjit Singh Virk, Advocate for the petitioner

Mr. Gourav Goel, Advocate for respondent No. 1

ANITA CHAUDHRY, J.(ORAL)

This revision is directed against the order dated 17.09.2015 passed by the Additional Sessions Judge, Patiala.

Learned counsel for the petitioner at the outset states that a complaint had been filed under the Domestic Violence Act and an order for maintenance was passed by the Magistrate and under the Act an appeal was maintainable instead a revision was filed which was entertained and the Additional Sessions Judge had passed an order. He further states that the revision was maintainable and it should have been dismissed.

Learned counsel for respondent No. 1 states that the revision could be converted into an appeal and it is a technical objection. He further states that the matter may be remanded and she would move an application for treating the revision as an appeal.

The legal position is that an appeal can be treated as revision and vice versa. Only an appeal was maintainable against the order passed by the Magistrate in a complaint filed under the Domestic Violence Act. The impugned order is set aside and the matter is remanded back to the Additional Sessions Judge, Patiala. The parties are directed to appear before the Court below on 27.05.2016.

The petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

May 16, 2016