

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRR No. 4602 of 2016 (O&M)
Date of decision: 22.12.2016**

Neetu Singh

...Petitioner

Versus

Ajay Kumar & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. K. S. Pawar, Advocate
for the respondents.

JAISHREE THAKUR, J. (Oral)

The main grievance that has been raised in this petition is that learned Additional Sessions Judge (Exclusive Court), Bhiwani by order dated 15.11.2016 has set aside the order dated 29.01.2016 passed by the Judicial Magistrate First Class, Charkhi Dadri by deciding the entire case as if it was being decided under appeal.

Counsel for the petitioner in fact argues that the interim maintenance of ₹12,000/- per month had been granted under proceedings of Domestic Violence Act which order was challenged in criminal appeal, however, the impugned order as deciding the entire case on merits itself has set aside the orders so passed on the interim application. The limited prayer made is that the orders so passed should have no bearing or should have no influence upon the JMFC and the entire merits of the case and the same should be decided as per the evidence that is brought on the record.

I have perused the orders passed by learned Additional Sessions

Judge and found that she has decided the entire case as if she is deciding the appeal itself, however, without keeping in mind that it was only interim order that has to be decided. Hence, the impugned order is set aside to that extent. The JMIC is hereby directed to decide the case based on the evidence and the law applicable thereto.

With these observations, the instant petition stands disposed of.

December 22, 2016
Ansari

(JAISHREE THAKUR)
JUDGE

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