

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

CR No.6873 of 2015

Date of Decision: 01.11.2017

Meenu

...Petitioner

Versus

Dharminider Singh Bedi

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:None.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 17.07.2015 passed by Additional District Judge, Chandigarh, whereby application filed by the petitioner for restraining the respondent from entering into the premises of the petitioner, her parents' house and from interfering in her and her children's life during pendency of divorce petition was dismissed.

[2]. Petitioner alleged that in a petition under Section 13 of the Hindu Marriage Act, she has sought dissolution of marriage on the ground of cruelty etc. Respondent/husband is a habitual and heavy drunkard and is involved in the aforesaid habit throughout the day. He used to abuse and beat the petitioner and her minor children. Petitioner had to take shelter in the

house of her parents. Even then, the respondent used to threaten the petitioner telephonically and her entire family is also being threatened. Respondent is also in the habit of not leaving her office in P.G.I, Chandigarh where she works. Children of the petitioner are minor. Girl is aged about 11 years and boy is aged about 3 years who were studying in school. Respondent does not look after the children and is in the habit of creating scene at the workplace of the petitioner as well as in the house.

[3]. Petitioner has already filed police complaint and even cases under Domestic Violence Act. Petitioner prayed for a restraint order against the respondent directing him not to interfere in the peaceful life of the petitioner, her children, parents and any other person related to her by forcibly entering in the house, office, creche and school of the children and also not to threaten them telephonically or personally in any manner.

[4]. Respondent contested the application refuting the allegations of the petitioner on the ground of maintainability of the application.

[5]. At the time of issuance of notice of motion, following order was passed on 17.11.2015:-

“Learned counsel for the petitioner submits that the house in which the petitioner is residing has been allotted to her by PGI, Chandigarh since she is working as Senior Lab Technician with the said institute. There is a

matrimonial dispute between her and respondent-husband and due to that the respondent invariably enters the house and creates violence not only with her but also with her children.

Notice of motion for 20.1.2016.

Process be given dasti as desired.”

[6]. Cognizance was taken by this Court in the revision petition only on the plea of the petitioner that she is an allottee of a Government house allotted by the P.G.I, Chandigarh as she is working as a Senior Lab Technician with the said Institute. In the matrimonial dispute, petitioner may or may not have any efficacious remedy in view of allegations forming part of the petition, which are subject matter of dispute, but in case of a house allotted to the petitioner exclusively by P.G.I Authorities, the respondent cannot interfere in the house of the petitioner and her minor children without her consent. Respondent is living in the said house.

[7]. Since the petitioner is the exclusive allottee of the house in question and matrimonial dispute is pending between the parties, therefore, it would be just and appropriate to direct the respondent not to enter in the house of the petitioner without her consent. For other relief arising out of equal efficacious remedy, petitioner can be relegated to the lawful recourse to the remedies available to her.

[8]. After issuance of notice of motion, the respondent

appeared through counsel. On 09.08.2017, on the basis of statement of learned counsel for the respondent, following order was passed:-

“Learned counsel for the respondent submits that the respondent has not interfered in the house allotted to the petitioner and he has no such intention to interfere in the house in future as well.

Let a statement be made by the respondent on affidavit.

Adjourned to 31.08.2017.”

[9]. In view of stand taken by the respondent, a statement was to be made by the respondent on an affidavit. On the adjourned date i.e. 31.08.2017, none appeared for the petitioner as well as on behalf of the respondent. Last opportunity was granted to the respondent for complying with the order dated 09.08.2017. Today, also despite three pass overs, none came to attend the case.

[10]. Faced with this situation, this Court has no alternative, but to restrain the respondent to the extent of interfering in the allotted house of the petitioner.

[11]. Disposed of.

01.11.2017

prince

Whether Reasoned/Speaking

Whether Reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No