

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

**CRM No.M-32148 of 2014
Decided on: 15.05.2017**

Tilak Raj @ Sonu and others	Versus	Petitioners
Sunita		Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Vikram Singh, Advocate for the petitioners.

Mr. Abhishek Sethi, Advocate for the respondent.

REKHA MITTAL, J.

The present petition directs challenge against order dated 11.09.2014 (Annexure P8) passed by the Judicial Magistrate Ist Class, Kurukshetra under Section 12 of the Protection of Women from Domestic Violence Act (in short 'the Act') whereby police help was provided in favour of the respondent for providing possession of the property/residence as per law.

The sole plea of the petitioners is that the petitioners are the real sons of Raj Kumar (since deceased) and Smt. Kusum Lata. After death of Kusum Lata, Raj Kumar married with Sunita (respondent herein) and had no issue from his second marriage. Raj Kumar purchased the property in dispute vide sale deed dated 03.01.1979 and long before he married with the respondent, construction over the same was raised. The respondent got a fabricated Will dated 29.08.1999 purported to be executed by Raj Kumar. She had differences with Raj Kumar and ultimately left the matrimonial home on 20.04.2008. It was stated that as civil litigation is pending between the parties with regard to the property in dispute and order of status quo was passed in those

proceedings, execution of the impugned order would amount to by-passing the order passed by the Civil Court.

Counsel for the petitioners has fairly informed the Court that civil suit filed by the petitioners has since been dismissed by the trial Court. In the appeal preferred by the petitioners, no stay has been granted by the Court.

Counsel for the respondent would state that in view of the subsequent events, the present petition is liable to be dismissed having been rendered infructuous.

I have heard counsel for the parties and perused the
paperbook.

Perusal of the averments set up in the petition would make it clear that the petitioners sought to challenge the impugned order primarily on the ground that an order of status quo has been passed in the civil litigation initiated at the instance of petitioners. As civil suit filed by the petitioners has already been dismissed and concededly there is no stay in favour of the petitioners by the Court of appeal, the grievance expressed in the present petition no longer subsists, therefore, the present petition is liable to be dismissed having been rendered infructuous.

For the foregoing reasons, the petition fails and is accordingly dismissed.

15.05.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No