

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

CRM-M No. 33954 of 2016

Date of Decision: 04.10.2017

KAMLESH KUMARI

..... Petitioner(s)

Vs.

VARSHA AND ANOTHER

..... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE JAISHREE THAKUR

Present: Mr. Navkiran Singh, Advocate
for the petitioner.

Respondents in person.

JAISHREE THAKUR J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure for quashing of order dated 15.01.2016 passed by the learned Judicial Magistrate 1st Class, Jalandhar on a complaint filed under Section 12 of the Protection of Women from Domestic Violence Act 2005, whereby, the petitioner has been restrained from dispossessing respondent No.1 from a portion of the house in dispute, as well as to challenge order dated 26.07.2016 passed by the learned Additional Session Judge, Jalandhar by which the appeal filed against the order dated 15.01.2016 passed by the learned Additional Sessions Judge, Jalandhar vide which the appeal filed against the order dated 15.01.2016 was dismissed.

In brief, respondent No.1 got married to the son of the petitioner on 28.11.2013 at Delhi. It was a love marriage which did not survive the test of time . Respondent No.1 preferred an application under Section 12 of the Domestic Violence Act 2005, seeking the right to residence in the property belonging to the petitioner herein. In the said petition, respondent No.1 was allowed the right to residence in the premises belonging to the petitioner. Against the said order, the petitioner herein preferred an appeal, which came to be dismissed by upholding the order passed by the Judicial Magistrate 1st Class, restraining the petitioner from dispossessing respondent No.1. The petitioner herein, contends that an order has been passed in favour of the petitioner under the Senior Citizens Act, whereby, respondent No.1 was directed to vacate the house in question.

During the pendency of the matter, an agreement had been entered into between the parties on 08.07.2017 . As per clause 7 of the code of the agreement it had been agreed that respondents-Varsha and Mukesh Kumar son of the petitioner would vacate the premisses i.e. Housse No. 70, Lane No. 14, Friends Colony, near D.A.V. Collage, Jalandhar within a period of 30 days and possession of the property would be handed over to the petitioner. In lieu of, vacation of the premises the petitioner was to pay a sum of Rs.-3,88,700/-. Therefore, in terms of the compromise arrived at between the parties, the entire sum had been paid to Varsha and Mukesh Kumar respondents herein. A cheque of Rs. 1 lac, has been handed over by the learned counsel for the petitioner to the respondents in the Court. A photocopy of the same has been retained on the Court file.

Since the matter has been settled and in terms of the agreement arrived at between the parties dated 08.07.2017, the possession of the premises has been handed over to the petitioner. This petition is hereby allowed and the impugned orders are hereby set aside.

October 04, 2017

jjyoti-IV

(JAISHREE THAKUR)

JUDGE

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No