

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

CRM-M-3462-2015

Date of decision: 04.05.2017

Mohinder Singh and others

.....Petitioners

Versus

Kalpana @ Harpreet Kaur

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Narinder Sharma, Advocate,
for the petitioner.

Mr. Subhashist Kukreti, Advocate,
for the respondent

Ritu Bahri, J.

This petition has been filed against the order dated 15.9.2014 (Annexure P-1) passed by the Judicial Magistrate, Ist Class, Patiala and order dated 24.12.2014 (Annexure P-2) passed by the Additional Sessions Judge, Patiala, whereby petition filed by respondent-Kalpana @ Harpreet Kaur under Section 12 of the Protection of Women from Domestic Violence Act has been allowed and respondents have been directed to pay Rs.5000/- per month in lieu of rent for accommodation and Rs.1.5 lacs as compensation to the complainant. They have been further directed to pay litigation expenses of Rs.10,000/- to the complainant.

Perusal of the impugned orders shows that marriage of complainant-respondent was solemnized with Kulwant Singh-petitioner No.4 on 11.03.2012 at Nabha, District Patiala. As per allegations in the complaint, at the time of marriage, a wrong information was given to the family members of the complainant that Kulwant Singh was a Government

employee and was serving in Indian Railways. On the basis of evidence led by the parties, income of Kulwant Singh has been taken as Rs.7000/- to Rs.8000/- per month as that of a daily wager. The trial Court came to a conclusion that after marriage, the complainant had stayed in one room, which belonged to the father of her husband. During cross-examination, Kulwant Singh (RW-1) had stated that after marriage, he along with his wife had resided in the same house in separate room.

The house in which, the complainant had stayed after her marriage, has rightly been held to be a shared household within the meaning of Protection of Women from Domestic Violence Act. In order to demolish the case of applicant-wife, the respondents (petitioners herein) had placed on record copy of ration card Ex.RW3/B to show that Mohinder Singh, Bhupinder Kaur and Hardeep Singh had no relations with the complainant and Kulwant Singh after their marriage. Husband of the complainant had been disinherited by his father from his properties in order to avoid his liability in the present complaint.

After going through the impugned orders, this Court is of the view that the complaint filed by the complainant-respondent has been rightly allowed as she had been deprived of her right to stay in the shared house as per the provisions of Protection of Women from Domestic Violence Act. Accordingly, no illegality, much less perversity has been found therein warranting interference by this Court.

Dismissed.

04.05.2017
ajp

(RITU BAHRI)
JUDGE