

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

**CRM No.M-9450 of 2016
Decided on: 02.05.2017**

Asha @ Ashima

....Petitioner

Versus

Rajan Kumar and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Rishav Jain, Advocate,
for the petitioner.

REKHA MITTAL, J.

By invoking Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.'), the petitioner prays for modification of orders dated 22.09.2015 (Annexure P3) passed by the Sub-Divisional Judicial Magistrate, Samana and dated 15.01.2016 (Annexure P1) passed by the Additional Sessions Judge, Patiala whereby respondent No.1, her husband was directed to provide two rooms accommodation to the petitioner or in the alternative to pay an amount of Rs.4,000/- per month for rental, in proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005, as an interim measure by the trial Court and the Appellate Court partly allowed the appeal filed by the petitioner restraining the respondents from alienating the house in question till final disposal of the petition by the trial Court.

The sole submission made by counsel for the petitioner is that an amount of Rs.4,000/- per month towards rental allowed by the Courts below is on lower side and liable to be enhanced as respondent No.1 is a man of means, earning more than Rs.1.5 lacs per month from

all sources. In addition, counsel would urge that the respondent – husband may be called upon to appear in order to explore possibility of an amicable settlement as the petitioner is ready to resume matrimony.

I have heard counsel for the petitioner and perused the paperbook particularly the orders impugned.

So far as the plea that the petitioner is ready to settle the dispute, the petitioner can well raise such a plea before the trial Court. In case any such plea is raised by the petitioner before the trial Court, the trial Court would ensure presence of the parties in person, examine possibility of an amicable settlement and if need be, the parties would be referred to the Mediation and Conciliation Centre at the Sub-Divisional level or District Headquarters level.

The trial Court has directed the respondent – husband to provide two rooms accommodation or in the alternative an amount of Rs.4,000/- per month towards rental. The petitioner is admittedly residing with her parents in Krishna Basti, Samana, Tehsil and District Patiala. The Appellate Court has noticed that the petitioner has not placed on record any document in support of her plea that the respondent – husband has an income of Rs.1.5 lacs per month. Counsel for the petitioner has not disputed the factual findings recorded by the Court of appeal in this regard. There is not even a whisper in the petition that accommodation required for comfortable living of the petitioner would not be available at Samana on payment of Rs.4,000/- per month. Under these circumstances, I do not find any reason to interfere in the orders allowing an amount of Rs.4,000/- per month towards rental of the accommodation to be provided for housing the

petitioner.

For the foregoing reasons, the petition is dismissed.
However, nothing stated hereinbefore shall be construed as an
expression of opinion on merits of the case.

02.05.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No