

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

CRM-M No.44823 of 2018
Date of decision: 10th October, 2018

Ajay Kumar

... Petitioner

Versus

Lata @ Sharuti & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

FATEH DEEP SINGH, J.

The brief facts that are essential to be highlighted are that the applicant complainant Lata alias Sharuti and her minor daughter Kirti Jindal, being widow and minor child of deceased Vijay Kumar Jindal, had invoked jurisdiction of learned Judicial Magistrate 1st Class, Panipat by filing a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short, 'the Act') against her mother-in-law Rajo Devi and brother of deceased Vijay Kumar Jindal namely Ajay Kumar Jindal. The brief background is that the brothers were running a joint business under the name and style of M/s Ajay Kumar Vijay Kumar Kiryana Store and after the death of Vijay Kumar Jindal, respondent No.2 Ajay Kumar Jindal (present petitioner) was looking after the affairs of the business. During the course of time, a dispute had arisen between the parties which need not be taken account of at this juncture. The Court of learned Judicial Magistrate 1st Class, Panipat vide orders dated

03.07.2015 holding that there was a definite “domestic relationship” directed respondent No.2 Ajay Kumar Jindal to pay Rs.4,000/- per month to applicant No.1 Lata alias Sharuti and Rs.2,000/- per month to applicant No.2 minor child Kirti Jindal as interim maintenance from the date of the order. The same was challenged by the petitioner Ajay Kumar Jindal in a revision and the Court of learned Additional Sessions Judge, Panipat through impugned orders dated 14.08.2018 upholding the orders of the Court below, dismissed the revision/appeal. The same has been challenged in this invocation under Section 482 Cr.P.C. before this Court.

Upon hearing Mr. Parminder Singh, Advocate for the petitioner and perusing the records.

It is by no means displaced that the two brothers were running a joint business and that one of the brothers has since died whose widow and minor daughter have knocked at the doors of the Court. Though the respondents have sought to wriggle out of such a scenario, but the Court taking cognizance of the fact that the photographs of the shop show that it was in a running condition at the time of institution of the application under the Act, held that the respondents have failed to substantiate the plea that the business has shut down. The conclusions drawn by the Court below that being a joint business and consequent upon the death of one of the partners, his dependents certainly, who are members of the same family, are entitled to maintenance and denying the same would certainly be a cause of monetary domestic violence. The

trial Court has rightly, holding that the respondent No.1 mother-in-law was an old aged lady and was not having any source of income, declined the relief against her but has rightly done so qua the present petitioner. The amount so awarded is a reasonable one and cannot by any means be termed to be excessive or on the higher side having regard to the trend of rising prices. Learned counsel for the petitioner could not impress this Court how there is necessity for this Court to exercise its inherent powers with the aid of Section 482 Cr.P.C. which is only in the eventuality of meting out justice. No ground is made out to interfere in the impugned findings thus, the present petition being hopelessly without any merit stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

October 10, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No