

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision No. 2687 of 2017 (O&M)
Date of Decision: 13.9.2018**

Jaidesh Kapoor

.....Petitioner

Versus

Central Scientific Instruments Organization and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Petitioner in person along with
Mr. K.R.Dhawan, Advocate.

Mr. Sunder Singh, Advocate
for respondent No. 1.

Respondent No. 2 in person.

ANITA CHAUDHRY, J

This revision is directed against the order dated 12.7.2017
passed by the Additional Sessions Judge, Chandigarh.

Brief facts which led to the filing of the appeal by Central
Scientific Instruments Organization, Chandigarh need to be noted.

Jaidesh Kapoor filed a complaint under the Domestic Violence
Act against her husband Krishan Lal Kapoor. The parties arrived at a
compromise which was reduced in writing. Therein one of the terms agreed
upon was as under:-

*(V). Respondent has, further, undertook that he has no
objection if petitioner avail free medical facilities from his
Department i.e. CSIO and a separate medical card is issued to
her by the department of the respondent.*

When the matter was brought to the notice of the department

i.e. CSIO, they preferred an appeal assailing the order that was passed subsequent to the compromise and it was urged before the Additional Sessions Judge that the directions had been passed against them for issuing separate card for free medical services but the rules do not provide issuance of the second card and the directions given by the lower Court are in breach of the rules.

The counsel representing Jaidesh Kapoor contended that there should be no hitch in issuing the separate card and the dispute had arisen because the husband and wife were not on talking terms. It was explained by the counsel that the wife needed medical facility as she was suffering from a number of ailments and the husband was not cooperating.

The Additional Sessions Judge after hearing the parties set aside the order and directed the trial Court to pass a fresh order after hearing the parties. It was also observed that if the presence of the appellant i.e. CSIO was necessary, they could be impleaded.

The presence of CSIO in a complaint under the Domestic Violence Act would not be necessary as neither they are the aggrieved persons nor any relief is to be claimed against them.

The wife is aggrieved with the order passed by the Additional Sessions Judge.

Notice was given to CSIO. They have appeared. On the last date of hearing, efforts for some arrangement were made and respondent No. 2 was asked to see if any arrangement was possible.

CSIO-respondent No. 1 have filed their affidavit and their stand is that no separate card can be issued to the wife.

I have heard the parties again today. They were again referred

for mediation.

Initially it was agreed that the card can be placed with the officials of the department in safe custody and either of them could use it but then the issue arose with respect to the reimbursement as it is only the pension holder who can get the money in his account. The differences between the couple remain. They have not been able to resolve their disputes. Therefore the matter is being examined on merits.

No directions could have been given to a third party nor the husband could have made a statement regarding issuance of second card.

The Additional Sessions Judge had rightly remanded the matter back to the trial Court to adjudicate the case in accordance with law. The presence of the organization is not necessary as a party. However they can be called to assist the Court only. CSIO-respondent No. 1 have already made their position clear that the rules do not provide for issuance of second card. The trial Court could not have given any direction to the organization only on the admission made by the husband. The dispute between the couple still remains. It is for the trial Court now to adjudicate after hearing the parties.

The petition is dismissed.

**(ANITA CHAUDHRY)
JUDGE**

September 13, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No