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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3477/2015

KAVITA

..... Petitioner

Through: Ms. Aishwarya Rao, Advocate

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP with ASI
Prem Ram Arya

Mr. Inderjit Singh Kapur, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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29.10.2018

The petitioner was married to the second respondent on 10.11.2008. It appears the marriage ran into rough weather and the parties parted ways on or about 16.05.2010, the petitioner having approached various authorities including the court of the Metropolitan Magistrate by a petition (CC no.370/1/12) presented under Section 12 of the Protection of Women from Domestic Violence Act, 2005. In the course of the proceedings under the Domestic Violence Act, she also prayed for the relief respecting her right to residence under Section 17. Her prayer for interim order in that regard was granted by the Metropolitan Magistrate by order dated 15.01.2014 *vis-a-vis* property described as JG-2/720A, Vikas Puri, New Delhi. The said

order was challenged in the court of Sessions by Crl. A. 06/2014 and was set aside by order dated 29.06.2015.

The abovesaid order of the appellate court was assailed by the petition at hand invoking the jurisdiction of this court under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973.

During the pendency of these proceedings, the parties were referred to the process of mediation to explore the possibility of amicable resolution, but to no effect. The parties have thus come back to the court for adjudication.

After some hearing, the learned counsel for the petitioner having taken instructions from the petitioner, who is present in person, submitted that she may be permitted to withdraw the present petition as the petitioner instead seeks liberty to approach the Metropolitan Magistrate with an application for issuance of directions to the second respondent (husband) to provide a rented accommodation commensurate with the status of the parties in lieu of the accommodation in the aforementioned property which she has been claiming as shared household, she also submitting that the property, as per the case of the husband earlier presented, was held in the name of his mother, she having since died, the petitioner also reserves the right to agitate her claim vis-a-vis such property on the basis of the devolution of the interest on account of death.

The petition is dismissed as withdrawn with liberty as prayed for granted.

Needless to add, given the old pendency of the matter, the trial court will hold expeditious proceedings.

R.K.GAUBA, J

OCTOBER 29, 2018
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CRL.M.C. 3477/2015

page 3 of 3