

203.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19364-2016

Date of decision:23.01.2019

ARJAN SINGH AND ANR.

... Petitioners

versus

RANJIT KAUR AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Chetan Bansal, Advocate,
for the petitioner.

None for respondent No.1.

HARI PAL VERMA, J.(Oral)

The petitioners, who are the in-laws of respondent No.1, have filed the present petition under Section 482 Cr.P.C. for quashing the order dated 14.03.2016 (Annexure P-1) passed by learned Additional Sessions Judge, Amritsar, whereby their appeal filed under Section 29 of Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') against the order dated 11.08.2015 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Amritsar, granting interim maintenance to the respondents, was dismissed.

Briefly stated, respondents had filed a complaint under Section 12(1) of the Act against the petitioners on the ground that the marriage of respondent No.1 was solemnized with Gurdip Singh on 22.04.2000 at Village Chiddan, Tehsil and District Amritsar. Out of this wedlock, two daughters, namely, Muskanpreet Kaur and Pawanpreet Kaur, were born.

Both daughters, who were minor, were living with respondent No.1. However, on 01.10.2008, husband of respondent No.1 died in some road accident and the widow and daughters were left at the mercy of the petitioners. Vide order dated 11.08.2015, learned Judicial Magistrate Ist Class, Amritsar allowed the complaint and awarded ad-interim maintenance @ Rs.1,000/- each to the respondents. The relevant order reads as under:-

“.....Keeping in view the price rise of daily needs in these days. So, I am of the considered view that Rs.1000/- is the appropriate maintenance (sic) per month to be paid to the applicant no.1 and Rs.1000/- to the applicant no.2 and 3. Thus application in hand is allowed and the respondent is directed to make ad-interim maintenance allowance of Rs.3000/- per month to the applicants, from the date of application, from the date of application till the decision of main application regularly. In addition to said maintenance the respondent is directed to pay Rs.1000/- as litigation expenses. Now to come up on 16.09.2015 for making payment and for evidence of applicants.”

The said order was challenged by way of appeal by the petitioner under Section 29 of the Act and the learned Additional Sessions Judge dismissed the appeal filed by the petitioners without making any interference in the order passed by the learned Magistrate.

It is in the aforesaid circumstances, the petitioners have filed the present petition challenging the aforesaid order.

Vide order dated 31.05.2016, this Court, while issuing notice of motion, stayed the operation of orders dated 11.08.2015 and 14.03.2016. No one has put in appearance on behalf of the respondents despite having been

served in the case.

At this stage, learned counsel for the petitioners has apprised this Court that the main complaint filed by the respondents is at an advance stage as the complainant has led her evidence and the case is fixed for the defence evidence. Though the trial Court has closed the evidence of the petitioners, but the petitioners have challenged the said order before the revisionary court which is pending adjudication.

Considering the fact that vide order dated 31.05.2016, proceedings were stayed in the case and thereafter no one has put in appearance on behalf of the respondent despite being served, and the case being at an advance stage before the trial Court, without making any observation on the merits of present petition, the present petition is disposed of at this stage for the reason that the maintenance awarded is interim in nature. The parties would be governed by the final adjudication in the case.

Since the orders dated 11.08.2015 and 14.03.2016 were stayed and remained in operation during the pendency of present petition, it shall not prejudice the parties to put forward their claim at the time of final adjudication.

(HARI PAL VERMA)
JUDGE

23.01.2019

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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No