

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

CRM-M-24440 of 2018 (O&M)
Decided on:- October 19, 2019.

Gursimran Singh Basi @ Simri and others

.....Petitioners.

Versus

Mrs. Nimrat Kaur.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Manjit Singh Khaira, Senior Advocate with
Mr. Ripudaman Singh Sidhu, Advocate
for the petitioners.

Mr. Raman Mahajan, Advocate
for the respondent.

HARI PAL VERMA, J. (Oral)

The petitioners have filed present petition under Section 482 Cr.PC impugning the judgment dated 04.05.2018 (Annexure P-6) passed by learned Additional Sessions Judge, Chandigarh, whereby the appeal filed by the respondent against the order dated 12.12.2017 passed by learned Judicial Magistrate 1st Class, Chandigarh, was allowed and the petitioners were directed to provide all the documents to the respondent, which have been sought by the respondent, within 15 days after putting in appearance before the trial Court.

Briefly stated, the respondent had filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005

(for short, the Domestic Violence Act) read with Rule 6 of the Rules framed thereunder for grant of relief under Sections 18, 19 and 20 of the Domestic Violence Act. In the said application, the respondent has filed another application under Section 23 of the Domestic Violence Act for appropriate arrangements for her residence in the matrimonial home and not to harass her and her minor son, so that she can live with her son with dignity. Further, she has claimed interim maintenance @ Rs.1 lakh per month so as to survive. In addition thereto, to restrain the petitioner No.1 from misappropriating and squandering valuables, jewellery of the respondent which are lying with the petitioners.

When the said application was pending, the respondent filed another application under Section 91 Cr.PC for issuance of a direction to the petitioners jointly and individually to furnish the documents as detailed in paragraph No.4 of the application. The application under Section 91 Cr.PC was partly allowed by learned Judicial Magistrate 1st Class, Chandigarh to the extent that the petitioner No.1 (respondent No.1 before the trial Court) was directed to produce the bank account statement w.e.f. November 2015 as regard his accounts in India as well as in Canada, though the other documents as sought by the respondent were not found to be relevant by learned Magistrate vide order dated 12.12.2017.

The order dated 12.12.2017 passed by learned Magistrate restricting supply of documents was subjected to appeal by the respondent before learned Additional Sessions Judge, Chandigarh and vide impugned judgment dated 04.05.2018, the appellate Court has allowed the appeal filed

by the respondent directing the petitioners to provide all the documents, as reflected in the application so filed by the respondent within a specific period of 15 days of passing of the judgment.

It is the said judgment dated 04.05.2018 passed by learned appellate Court, which has been challenged by the petitioners, who were arrayed as respondents in the main application filed by the respondent under the Domestic Violence Act.

Learned senior counsel for the petitioners has argued that at the most, the respondent-wife can ask for the documents which are relevant *viz. a viz.*, the petitioner No.1-husband and she cannot insist for other documents, which relates to petitioners No.2 and 3, who are mother-in-law and sister-in-law of the respondent, as those documents are neither relevant nor in possession of the petitioner No.1. These documents are otherwise not relevant for the purposes of settling the controversy between the parties.

On the other hand, learned counsel for the respondent has submitted that the conduct of the petitioners is as such that the petitioner No.1 in connivance with petitioners No.2 and 3 had either entered into some transfer/transaction of the property including the Will, so that the respondent can be deprived from her legal claim of maintenance and other claims as enumerated in the application filed under the Domestic Violence Act.

After hearing learned counsel for the parties, this Court finds that the petitioner No.1 being husband is required to supply all the relevant documents as asked by the respondent-wife. Similarly, so far as petitioners No.2 and 3, who are mother-in-law and sister-in-law of the respondent, are

concerned, it is directed that in case the documents so asked by the respondent are relevant and are in possession of petitioners No.2 and 3, the trial Court is firstly required to form an opinion as to the relevance of those documents and it is thereafter, the trial Court will ask for these documents from petitioners No.2 and 3.

For non-furnishing of such documents which have otherwise been found to be relevant and in the custody of the petitioners, the trial Court shall be well within its jurisdiction to draw an adverse inference against the petitioners. Moreover, the trial Court is not handicapped to proceed in the case and to decide the relevance and the production of these documents in accordance with law.

However, the apprehension of learned counsel for the respondent that the petitioner No.1 is intending to create a third party interest during pendency of the application before the trial Court, it is made clear that unless there is a permission from the Court, the petitioner shall not create any third party interest during the pendency of the case prejudicing the interest of the respondent in any manner and all such transactions if made shall be subject to outcome of the trial in the case.

Since the application for interim maintenance is pending before the trial Court since long, the trial Court is directed to decide the application so filed by the respondent as regard the interim maintenance and other reliefs preferably within one month from date of production of certified copy of this order.

The present petition is, accordingly, disposed of.

Since the main petition has been decided, the pending miscellaneous applications, if any, also stand disposed of.

October 19, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:Yes

Whether Reportable:No