

126.

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

CRR-906-2019

Date of decision: 23.09.2019.

SONIYA SINGH

... Petitioner

versus

GAURAV SURILA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Anju Arora, Advocate, for the petitioner.

HARI PAL VERMA, J. (Oral)

Petitioner-wife has filed the present revision petition impugning the order dated 07.01.2019 passed by the learned Additional Sessions Judge, Jalandhar, whereby her appeal against the order dated 17.10.2017 passed by learned Judicial Magistrate Ist Class (NRI Cases), Jalandhar, was dismissed.

Briefly stated, the petitioner got married with respondent No.1- Gaurav Surila on 06.04.2011. She remained in her matrimonial home at Jalandhar for one month. She went back to Italy on 11.05.2011. She called her husband on spouse visa and suffered financially losses for his settlement. Her husband reached Italy in November 2012, but he fell into bad habits. Dispute took place between them and her husband left her company in May, 2013. He started residing with another lady. The petitioner-complainant filed a divorce petition, which was allowed. The petitioner filed a complaint through her special attorney Veena Kitchlu accompanied with an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking direction that the respondents (in-laws) be restrained from any form of communication with her and the dowry articles in their possession

be returned back to her and if the dowry articles are not given back, then in the alternative, Rs.13 lakhs be given to her.

After appreciating the evidence on record, the learned Judicial Magistrate Ist Class, Jalandhar, vide order dated 17.10.2017 dismissed the application filed by the petitioner. Thereafter, she approached the Sessions Court by way of criminal appeal, but her appeal was also dismissed by the learned Additional Sessions Judge vide order dated 07.01.2019.

It is in the aforesaid circumstances, the petitioner-complainant has approached this Court through the present criminal revision petition.

After going through the case file and perusing the judgments of the courts below, this Court finds that the petitioner, who claims to be the wife of respondent No.1 has not even opted to appear before the trial Court to get herself examined in the case. She appeared before the courts below through her special attorney Veena Kitchlu. In matrimonial disputes, where allegations are exchanged from both sides, the best witnesses are the parties themselves. Strangers and outsiders of the marriage could not be fully aware of the matrimonial affairs. In this case, the petitioner never appeared in the witness box. Moreover, the parties have already divorced from each other. The jurisdiction in revision is very limited.

In view of above, this Court does not find any cause for interference in the well reasoned judgments of the courts below.

Dismissed.

(HARI PAL VERMA)
JUDGE

23.09.2019
sanjeev

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