

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

**Criminal Revision No. 1741 of 2017 (O&M)**

**Date of decision : September 05, 2019**

Rakesh Kumar

....Petitioner

versus

Anju

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. Amaninderpreet, Advocate as Amicus Curiae for  
the petitioner

Mr. Vikas P. Singh, Advocate, for the respondent

**Fateh Deep Singh, J. (Oral)**

The brief background of this litigation stems from filing of application under Section 12 and Sections 17 to 23 of the Protection of Women from Domestic Violence Act, 2005 (in short, the Act) by the applicant-wife Anju against the respondent husband Rakesh Kumar and his family members. The court of learned Judicial Magistrate Ist Class, Hansi vide orders dated 4.7.2015 allowed the

application of the wife and made following orders:-

“14. Keeping in view the above said discussion, the applicant is entitled to the relief as claimed by her and the respondent shall not commit any act of domestic violence as defined in section 3 of the Act against the Petitioner Anju. He shall restrain himself from hurling abuses and also from beating petitioner till the domestic relationship subsists between them. The protection order is accordingly passed as per section 18 of the Act.

(ii) Respondent is directed to provide Rs 3,000/- per month as maintenance allowance to petitioner from the date of the order. The respondent No. 1 is also directed to pay compensation amount of Rs 10,000/- to the applicant and also directed to arrange residential accommodation for the applicant and her son or in the alternative a sum of Rs 2000/- p.m. as rent of the accommodation to be paid to the applicant. The present petition is hereby allowed to that extent only. The amount already paid by respondent to the applicant shall be adjusted.

15. The present petition is accordingly disposed of, as per section 12 of the Protection of Women from Domestic Violence Act, 2005. Copy of the order be given free of costs to the Petitioner. This apart, one copy of the present order be sent to the Officer-in-charge of the concerned Police Station. File be consigned to record room after due

compliance.”

The husband assailed the order in an appeal and the court of learned Additional Sessions Judge, Hisar through impugned findings dated 10.4.2017 affirmed the findings of the learned Judicial Magistrate Ist Class and dismissed the appeal of the husband. The same is challenged in this revision.

Heard counsel for the parties and perused the records.

In response to the application of the wife under the Act that the marriage between the couple was solemnized on 22.4.2018 and on account of matrimonial disaccord which need not be reproduced here for the sake of brevity. The wife was turned out of her matrimonial home and the respondent-husband refused and neglected to maintain her from July, 2011. It is in pursuance of this state the wife invoked the jurisdiction of this Court under the Act. The husband in the light of the arguments of the respondent's counsel has not laid much challenge to the application of the wife and has simplicitor taken the plea shifting the burden on the wife for this matrimonial dispute claiming that the wife left the matrimonial home on her own along with her valuables. The wife in her evidence as PW1 detailed the allegations and examine her father Suresh as PW2 by their affidavits Ex. PW1/A and PW2/A. The husband on the other hand examined one Rajender as DW1 and himself testified as

DW2 by their affidavits Ex. DW1/A and Ex. DW2/A. It is consequent upon the orders in question were passed.

Appreciating the submissions no doubt the court below totally in-oblivion to the requirements of the Act and its provisions had straightway recorded the evidence and disposed of the matter and there is not even a semblance of efforts to bring about reconciliation or counselling between the parties. What one can gather from the stands of the two sides the parties were in a domestic relationship and the husband nowhere could illustrate that he is looking after the desolate wife who is totally dependent upon him rather the husband is trying to hide under the facade of insinuation sought to assail against the wife claiming that the wife on account of her irresponsible act and conduct has thrown the marriage into turmoil. The husband admittedly is an able bodied person and grant of Rs 3000/- as maintenance allowance per month could not be termed to be illegal or unjust though on behalf of petitioner Mr. Amaninderpreet has sought to term it to be highly unsubstantiated and so the alternative reliefs of arranging a residential accommodation for the wife with rental of Rs 2000/- per month and compensation of Rs 10,000/-. The same is sought to be claimed by the respondent to be highly inadequate in the modern trend of prices. In the light of the relative stand grant of Rs 3000/-

as maintenance is only just and meager amount and cannot be termed to be on the higher side. Further-more Rs 10,000/- as compensation for the mental, physical agony and other expenses incurred by the wife during the course of this litigation too is highly justified. Arranging rental accommodation for Rs 2000/- per month, counsel for the petitioner could not convince how is illegal and contrary to the spirit of the Act in these days of spiralling prices of essential commodities day to day living including rentals these amounts under different heads cannot in any manner be claimed to be unjustified. The court below in the impugned findings in the appeal has taken note of the same and has assessed his income to be Rs 10,000/- as he accepts that he is working as a Supervisor in a private undertaking. This Court needs to be slow in accepting the arguments on behalf of the petitioner and rather the findings are correct, legal approach and therefore, needs not be disturbed. There being no merits in the present revision petition, the same stands dismissed.

**September 05, 2019****'tiwana'****( Fateh Deep Singh )  
Judge***Whether speaking/reasoned ?  
Whether Reportable ?**Yes/No  
Yes/No*