

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

**CWP-20829-2019 (O&M)
Date of Decision:18.11.2019**

Vinay Satija

... Petitioner

Versus

Sub Divisional Judicial Magistrate & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Anuj Garg, Advocate for the petitioner.

Mr. Jaivir Yadav, Advocate for respondent No.1.

Ms. Rashmi Kochhar, Advocate for respondent No.2.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

CM-17324-2019:

Application is allowed as prayed for. The accompanying reply on behalf of respondent No.1 is taken on record. Copy thereof has been furnished to counsel opposite.

Application is disposed of.

Main case:

Challenge in the instant writ petition is to the order dated 19.03.2019 passed by the SDJM, Kalka at Annexure P-9 and whereby an application filed by respondent No.2 under the provisions of the Protection of Women from Domestic Violence Act, 2005 was dealt with and an interim maintenance to the tune of Rs.20,000/- per month was fastened upon the petitioner. In addition thereto, petitioner was also directed to provide suitable accommodation to respondent No.2 as per status enjoyed by her in her matrimonial home or in the alternate pay Rs.5000/- per month as rent.

The impugned order was made effective from the date of filing of the application by respondent No.2 i.e. August, 2016.

During the course of arguments, it stands uncontroverted that petitioner has already filed an appeal before the Additional Sessions Judge, Panchkula and which is pending adjudication.

Counsel representing the petitioner seeks withdrawal of the writ petition with liberty to raise all pleas including the ones taken in the instant writ petition before the Appellate Authority.

Such prayer is not opposed by counsel representing the respondents.

In view of the above, instant writ petition is disposed of as not pressed.

It is observed that it would be open for the petitioner to raise all pleas before the Appellate Authority as may be permissible in accordance with law. It is also clarified that this Court has not examined the case on merits.

Disposed of.

18.11.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |