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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 6550/2019 and Crl.M.A. No. 42986/2019

SHUKLA CHAKRABORTY ..... Petitioner  
Through: Mr.S.K.Bhaduri, Advocate

versus

SNEHANSHU DAS PANDIT & ORS ..... Respondents  
Through: Mr.Ankit Jain and Mr.Abhay Pratap  
Singh, Advocates for R-1 and 2  
Respondents No.3 & 4 have also been  
served but are not represented.

**CORAM:**

**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

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**10.01.2020**

It has been submitted on behalf of the petitioner and on behalf of the respondents No.1 and 2 that in the proceedings in the Protection of Women from Domestic Violence Act, 2005, Case No.5398/2018 there are attempts for exploring a settlement being made in the Court.

On behalf of the petitioner, the prayer made seeks inter alia a restraint against the respondents No.1 and 2 from dispossessing the petitioner from flat No. 154-B, Pocket-J and K, Dilshad Garden till final disposal of the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 case qua which it has been submitted on behalf of the respondents No. 1 and 2 that vide proceedings dated 5.12.2015, the respondent No.1 therein arrayed as the respondent No.1 herein has already made a statement through

counsel that the respondent No.1 would not dispossess the petitioner without following the due process of law from the shared house hold.

In relation to the said prayer thus presently no further orders are called for.

As regards the prayer that has been made by the petitioner seeking a restraint against the respondent No.1 from selling, alienating, transferring or creating any third party interest in respect of the flat No.154-B, Pocket J & K, Dilshad Garden, Delhi and Flat No.F- 125A, B-3, Dilshad Colony, Delhi till disposal of the petition filed by the petitioner under Section 12 of the Protection of Women against the Domestic Violence, Act, 2005 it has been submitted on behalf of the respondent No.1 and 2 that the flat No. F-125-A, B-3, Dilshad Colony has already been gifted by the respondent No.1 to the respondent No.2 in the year 2018. As regards the premises No. 154-B, Pocket J & K, Dilshad Garden, a submission has been made on behalf of the respondents No.1 and 2 that vide the prayer made by the petitioner in the application under Section 23 of the Protection of Women from Domestic Violence Act, 2005 dated 3.11.2018, the prayer was made by the petitioner only seeking a restraint against the respondent No.1 from selling, alienating, transferring or creating any third party interest or right in the property 154-B, Pocket J & K, Dilshad Garden, Delhi apart from the property No. 125-A, B-3, Dilshad Colony and that the issuance of the notice in relation thereto alone to the respondent No.1 was not challenged.

It has been submitted qua the said aspect on behalf of the petitioner that vide another application under Section 23 of the

Protection of Women from Domestic Violence Act, 2005 dated 27.8.2019, of which notice has been issued, a restraint has already been prayed by the petitioner herein against both the respondents No.1 and 2 from selling, alienating, transferring or creating any third party interest or right in any manner whatsoever also in flat No. 154-B, Pocket J & K, Dilshad Garden Delhi.

In view thereof, till the next date of hearing respondents No.1 and 2 are both restrained from selling, alienating, transferring or creating any third party interest or right in property bearing No. F-125A, B-3, Dilshad Colony, East, Delhi without the leave of the Trial Court seized with the proceedings under the Protection of Women from Domestic Violence Act, 2005.

The petition is disposed of with the directions as above. No further orders are called for. The learned Trial Court shall expedite the proceedings in the said domestic violence case and make an endeavour to dispose the petition within a period of four months from the date of receipt of the order.

Nothing stated herein shall however an expression on the merits or demerits of the trial in the said case under the the Protection of Women from Domestic Violence Act, 2005.

**ANU MALHOTRA, J**

**JANUARY 10, 2020/sv**