

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

(Heard through VC)

CRM-M-24761 of 2021 (O&M)
Date of Decision: July 06, 2021

Simranjit Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashish Soi, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 Cr.P.C. seeking a direction to be issued to the Judicial Magistrate, Ratia, District Fatehabad to expeditiously decide the petition filed under Section 12 and other sections of the Protection of Women from Domestic Violence Act, which has been filed as far back as 2017.

Counsel for the petitioner herein would contend that an application for interim maintenance had been filed by the petitioner for herself and her two minor children, however, the matter has been unnecessarily adjourned and decision delayed. It is argued that in the petition, which was filed in the year 2017, service was complete upon respondents No.1, 2, 4 and 5 therein on 12.02.2018, on which date, time was sought by respondents No.1, 2, 4 and 5 therein to file the reply. Thereafter,

an application for interim maintenance came to be filed on 01.06.2018. As service upon respondent No.3 therein was not effected despite making several efforts, he was given up on 21.05.2019. It is further submitted that despite the matter having been listed on several occasions as on date, the application for interim maintenance has not yet been decided.

I have heard learned counsel for the petitioner.

Without issuing notice in the present petition, this court deems it appropriate to decide the matter in limine, as per the pleadings available on record. The petition under the Domestic Violence Act has been filed against the respondents *inter alia* on the allegations of cruelty, having thrown out of the house, non-payment of any allowance and for demand of house/rent. It is incumbent upon the court below to make an effort to decide the matter expeditiously particularly the application for interim maintenance to the petitioner and the minor children, who are wholly dependent upon the husband/father, as in the instant case. The list of dates and events would reveal that the application for interim maintenance has been pending since 01.06.2018 without any cogent reasons. As such, the court below is directed to decide the said application for interim maintenance within a period of two months from the date of receipt of copy of this order.

The petition stands disposed of in limine accordingly.

July 06, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No