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

CRM-M-41685-2021

Date of Decision: November 23, 2021

Jaan Mohammad and another

.....Petitioners

Versus

Sakunat

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Ms.Rosi, Advocate for the petitioners.

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RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed by the petitioners impugning the order dated 31.07.2019 passed by the learned Additional Chief Judicial Magistrate, Mewat, wherein an interim maintenance of Rs.3,500/- per month has been granted to the respondent and order dated 03.02.2020 passed by the learned Sessions Judge, District Mewat, vide which the revision filed by the petitioners against the order dated 31.07.2019 has been dismissed and thus, the order passed by learned ACJM, Mewat, has been upheld.

As per factual matrix of the case, the respondent filed an application under Section 12 of the Protection of Women from Domestic Violence Act (for short,'the Act'). Her husband, i.e. son of the petitioners died. She has the responsibility of two minor daughters. Petitioners, being the parents of her husband, were liable for granting the maintenance to the

respondent-wife and hence, the petition was filed. During pendency of the same, the respondent-wife filed an application for grant of interim maintenance and the same was allowed by learned ACJM, Mewat by passing an order dated 31.07.2019, which was affirmed by learned Sessions Judge, Mewat, vide its order dated 03.02.2020 wherein the revision preferred against the order dated 31.07.2019 passed by learned ACJM, Mewat, was declined.

Aggrieved by both these orders, the petitioners have approached this Court by way of present petition.

Learned counsel for the petitioners has contended that both the Courts have fallen in error in accepting the claim of the respondent for grant of interim maintenance. She has submitted that husband of the respondent, i.e. son of the petitioners, died in the year 2016 and after the death of her husband, the respondent ignored the petitioners and, of her own, left the matrimonial home alongwith the minor children. She contended that the petitioners always wanted the respondent to remain with them in the matrimonial home, however, the respondent never agreed to the same and remained with her parents alongwith the minor children. She also submitted that the petitioners are senior citizens and they have not any sufficient income to be paid to the respondent, as directed by both the Courts below.

Heard.

The relationship between the petitioners and the respondent is not disputed. The respondent is the daughter-in-law of the petitioners. A perusal of the statutory provisions of the Act like Sections 12(1), 2(f) and 2(q) shows that the aggrieved person is entitled for the necessary relief in an unambiguous term. Section 12(1) of the Act envisages that the aggrieved

person may present an application to the Magistrate seeking one or more relief under the Act. Section 2(f) of the Act defines the 'domestic relationship', whereas Section 2(q) of the Act defines the 'respondent'. A conjoint reading of the relevant provisions entitles the respondent for the maintenance under the Act. The respondent is a widow and is maintaining two minor children. She had been living in the joint family alongwith the petitioners during the life time of her husband. Both the Courts below have duly appreciated the factual aspects and the relevant judicial precedents as relied upon by both the parties. Counsel for the petitioners failed to point out any illegality in the conclusion arrived at by both the Courts below.

In the light of the facts and circumstances and the law applicable, I find no illegality in the conclusion arrived at by both the Courts below.

The petition being devoid of any merits is, hereby, dismissed.

November 23, 2021
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(RAJESH BHARDWAJ)
JUDGE

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

Yes/No
Yes/No