

**234-2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-5991-2021 (O&M)

Date of Decision: 31st August, 2022

Manju Rani

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Harish Bhardwaj, Advocate for respondents No. 4 and 5.

AVNEESH JHINGAN , J.(Oral)

This petition is filed in the nature of Mandamus seeking directions to the official respondents to protect life and liberty of the petitioner. Further, prayer was that action be taken against private respondents i.e. daughter-in-law of the petitioner and her mother for grabbing the house of the petitioner by trespassing.

The relevant facts are that there is matrimonial dispute between the son of the petitioner and her daughter-in-law. There are multiple litigations between the parties including petition for divorce and under Protection of Women from Domestic Violence Act, 2005.

Respondent No.5 has an interim protection in her favour vide order dated 16.4.2021 in petition filed under Domestic Violence Act. The operational part of the order of Court below is reproduced below :-

“As per report of Ahlmad, notice issued to remaining respondents received back unserved. Hence, case is adjourned to 04.05.2021 for notice to remaining respondents. Till then respondents are restrained from dispossessing the applicant from the matrimonial house.”

The grievance raised by learned counsel for the petitioner is based upon the disputed question of facts. It cannot be lost sight that there is an interim protection in favour of respondent No.5 that she will not be dispossessed from the matrimonial house.

Keeping in view the above facts, no interference is called for in writ jurisdiction.

Dismissed.

However, the petitioner would be at liberty to avail remedies in accordance with law for redressal of the surviving grievance.

There is no doubt that in case, in future the petitioner approach the police authorities with an apprehension of threat, the same would be dealt with in accordance with law expeditiously.

(AVNEESH JHINGAN)
JUDGE

31st August, 2022
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No