

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

109

CRR-1412-2021 (O & M)
Date of decision:22.02.2022

Sumit Kundu and others

... Petitioners

Vs.

Reetu

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Nirmal Singh, Advocate
for the petitioners.

SUVIR SEHGAL J.

Heard through video conferencing.

Challenge in the instant revision petition is to the judgment dated 30.09.2021 passed by the learned Additional Sessions Judge, Sonapat, vide which appeal preferred by the petitioners has been dismissed and order dated 02.09.2021 passed by the learned JMIC, Sonapat, has been upheld.

Suffice to notice that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of the respondent. Petitioner No.1 and respondent were married on 06.01.2008 and a son was born out of the wedlock in September, 2011. There is marital dispute between the parties and the respondent was forcibly shifted to the first floor of her matrimonial house in Sector 23, Sonapat. She has been maltreated, mentally and physically harassed on account of non-fulfillment of demand of dowry and she lodged FIR No.416 dated 11.07.2021 under

Sections 323/354/506/34 of IPC, 1860, against the petitioners as well as filed a petition under The Protection of Women from Domestic Violence Act, 2005, (for short - "DV Act"). Alongwith the petition, she filed an application for interim relief, which, after contest, has been disposed of with a direction to the petitioners not to dispossess the respondent and her child from the premises in her possession except in due course of law and the petitioners have been directed to restore the electricity and water connection to the premises. Petitioner No.1 has been ordered to pay interim maintenance of Rs.10,000/- per month to the respondent. This order has been upheld by the Revisional Court.

Heard counsel for the petitioners.

There is no dispute about the relationship between the parties and the birth of a child. It has come on the record that the respondent does not have any roof over her head and is staying in a portion of the matrimonial house, which allegedly belongs to her in-laws, who have been restrained from dispossessing her. The argument of the counsel for the petitioners that the in-laws have disowned their son and a publication was made in a newspaper on 15.07.2014 deserves to be noticed and rejected for the simple reason that the petitioners seem to be hand in glove as despite claiming that petitioner No.1 has been disowned, they have jointly challenged the order passed by the Magistrate before the Revisional Court as well as before this Court. This Court is, therefore, of the view that publication in the newspaper is an eye-wash and deserves to be ignored.

Pursuant to order passed by this Court, petitioner No.1 has filed an affidavit dated 19.02.2022 of his assets and liabilities during the course of hearing today, which is taken on record. A perusal of the affidavit shows that petitioner No.1 is employed as a Primary Teacher with Municipal Corporation, Delhi and has a monthly income of Rs.54,136/-. Though, it has been claimed that he is staying in a rented accomodation and is paying installments of a personal loan, yet it is his moral and legal duty to maintain his wife, particularly when she has no source of income and is taking care of a school going child.

In view of the above backdrop, the order passed by the Courts below do not call for any interference, moreso as it is purely an interim arrangement, till the disposal of the main petition.

Petition is dismissed.

Irrespective of any observation made hereinabove, the trial court shall adjudicate the petition filed by the respondent under the DV Act on its merits.

22.02.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No