

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

147

CRM-M-54513-2022

Date of Decision:29.11.2022

UTTAM KUMAR

...PETITIONER

VERSUS

PUSHP LATA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Dr. D. S. Chahal, Advocate
for the petitioner.

SUVIR SEHGAL, J.

By way of present petition filed under Section 482 of Cr.P.C., petitioner has sought issuance of direction to the Appellate Court (Court of Learned Sessions Judge, Mansa) to decide the application for leading additional evidence, at the first instance, before hearing final arguments in CRA-160-2017.

Heard counsel for the petitioner.

Application filed by the respondent under Section 12 of Protection of Women from Domestic Violence Act, 2005, (for short “the DV Act”) has been accepted by the trial court vide order dated 01.08.2017, Annexure P-2, whereby petitioner has been directed to provide residence to the respondent in the shared household, in case she wants to reside there or in the alternative to pay her Rs.3,000/- per month in order to enable her to

obtain alternative accommodation. This order has been challenged by the petitioner by filing CRA-160-2017, which is pending before learned Sessions Judge, Mansa. An application has been moved by the petitioner for adducing additional evidence, but neither its copy has been appended with the petition nor has the petitioner placed on record the interim orders passed by the Appellate Court from where it could be gathered that the application is not being taken up. Perusal of the paper-book shows that the appeal is fixed for arguments on 29.11.2022, when the above said application will also be taken up. It appears that the instant petition has been filed by the petitioner simply to delay the adjudication of the appeal, which is pending for the last 05 years. Petition lacks *bona fide* and the prayer made cannot be entertained.

Finding no merit in the petition, it is ordered to be dismissed.

29.11.2022
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(SUVIR SEHGAL)
JUDGE

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