

230

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

CRR-289-2019 (O&M)

Date of Decision: 27.04.2023

JASVIR KAUR AND OTHERS

..... Petitioners

Versus

ROOP SINGH AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ajit Sharma, Legal Aid Counsel for
Mr. Arun Sharma, Advocate
for the petitioners.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition are seeking setting aside of judgment dated 04.10.2018 whereby Additional Sessions Judge, Sirsa has dismissed appeal against order dated 30.11.2017 passed by Sub Divisional Judicial Magistrate, Dabwali.

2. The SDJM vide order dated 30.11.2017 had declined prayer of the petitioners seeking interim maintenance. The interim maintenance was sought in terms of Section 12 read with Section 23 of Protection of Women From Domestic Violence Act, 2005 (for short 'DV ACT').

3. The appeal was filed under Section 29 of DV Act which came to be dismissed vide impugned order dated 04.10.2018 passed by Additional Sessions Judge, Sirsa.

4. This Court in ***Jaspal Kaur alias Pinki and others vs. State of Punjab and another, CRM-M- 19553 of 2023 decided on 24.04.2023***, relying upon judgments of Hon'ble Supreme Court in

Kamatchi vs. Lakshmi Narayan 2022 SCC online SC 446,

Kunappareddy vs. Kunappareddy Swarna Kumari (2016) 11 SCC 774 and Full Bench of Madras High Court in *Arul Daniel and others vs. Suganya 2022 SCC online Mad 5435*, has held that remedy of revision under Section 397/401 Cr.P.C. is not available against order passed by Appellate Court under Section 29 of DV Act.

5. In view of order dated 24.4.2023 passed by this Court in CRM-M-19553 of 2023, present petition is not maintainable and accordingly disposed of with liberty to the petitioners to avail remedy as permissible by law.
6. Disposed of with liberty as aforesaid.
7. Pending application, if any, shall stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

27.04.2023

Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No