

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:078514

CRR-1516 of 2022

Date of Decision: 30.05.2023

Geetanjli Sharma

---Petitioner

versus

Harish Bakshi and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.C.Shahpuri, Advocate
for the petitioner

Ms. Chhavi Sharma, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through the instant petition is seeking setting aside of judgment dated 30.3.2022 whereby Additional Sessions Judge, Yamuna Nagar at Jagadhri has partially allowed appeal and granted interim maintenance to the tune of Rs. 15,000/- per month.

2. The petitioner had filed petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 and learned Magistrate granted interim maintenance of Rs. 10,000/- per month to the petitioner in terms of Section 12 read with Section 23 of DV Act. The petitioner preferred an appeal under Section 29 of DV Act before Sessions Court which came up for consideration before learned

Additional Sessions Judge, Yamuna Nagar at Jagadhri who partially allowed appeal of the petitioner and enhanced amount of maintenance from Rs. 10,000/- to Rs. 15,000/- per month.

3. Ms. Chhavi Sharma, Advocate, filed power of attorney on behalf of the respondents. The same is taken on record. Registry is directed to tag the same at an appropriate place.

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* and *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:

- i) Proceedings under Section 12 of DV Act are civil in nature.
- ii) An aggrieved person has right to move an application before Magistrate seeking recalling of notice issued under Section 13 of DV Act or deletion of his/her name from the array of respondents;
- iii) Petition under Section 482 Cr.P.C. is not maintainable against petition under Section 12 or notice under Section 13 of DV Act;
- iv) An order passed by Magistrate is an appealable order under Section 29 of DV Act;
- v) No revision under Cr.P.C. is maintainable against order passed by Sessions Court as Appellate Court.

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5. In view of order dated 24.4.2023 passed by this Court in CRM-M-19553 of 2023, present petition is not maintainable.

6. In view of the above, learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty to the petitioner to avail remedy as permissible by law.

7. Disposed of with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

30.05.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No