

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr.No.: 112

Criminal Miscellaneous No.M-19167 of 2023

Date of Decision: May 29, 2023

Ganga Devi

..... PETITIONER(S)

VERSUS

Alka Rani

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Ms. Shivya Sehgal, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This petition has been filed seeking a direction to the trial Court to decide the petitioner's application under Section 19 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-4), which has been filed along with the complaint under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, bearing COMA No.11356 of 23.07.2021, before Judicial Magistrate at Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner is a widow, aged about 67 years, has filed the aforementioned complaint before the Judicial Magistrate. Along with the complaint, she filed an application dated 22.07.2021 under Section 19 of the Act seeking possession of a separate portion of the matrimonial home for her. Her application under Section 19 is pending before the Magistrate ever since its filing, and has not been finally decided. A reference has been made to short orders placed on record as Annexure P-5, which show that even after filing of reply to the application by the respondent the matter has been adjourned many times, and arguments could not be finally heard.

The petitioner is a senior citizen and has to undergo immense suffering on

that account.

3. Learned counsel for the petitioner has been heard and the case file has been perused.

4. Apparently, the application is being adjourned on one pretext or other ever since it was filed in July 2021. After filing reply to the application by the respondent, learned counsel for the petitioner/applicant addressed arguments on 06.04.2023, and the matter was adjourned to 26.04.2023 for arguments by the respondent. On that date arguments could not be addressed since there was a call for suspension of work by the District Bar Association, and the matter was adjourned to 19.05.2023 for the purpose already fixed. On 19.05.2023 also, the respondent did not address arguments and sought an adjournment for placing on record an order of dismissal of some earlier petition said to have been filed by the petitioner, and the matter was adjourned to 14.07.2023 for arguments.

5. It has been contended by the learned counsel that no petition was earlier filed by the petitioner, nor particulars of the said petition have been mentioned. Even otherwise, the same has no relevance to the application under Section 19 of the Domestic Violence Act, 2005. The respondents are deliberately delaying the proceedings by seeking repeated adjournments.

6. Keeping in view the facts aforestated and without going into the reasons for granting repeated adjournments in the matter, it is deemed appropriate to direct the Magisterial Court to finally hear and decide the petitioner's application under Section 19 of the Act of 2005 on the next date of hearing, i.e., 14.07.2023.

notice on the respondent has been dispensed with.

8. Ordered accordingly.

9. Disposed of.

(Tribhuvan Dahiya)
Judge

May 29, 2023
payal

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>