

In the High Court of Punjab and Haryana at Chandigarh

2023 : PHHC : 061728

112

CRR-1138 of 2023(O&M)

Date of Decision: 01.05.2023

Bachittar Singh @ Deepa

---Petitioner

versus

Balbir Kaur

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ramneek Vasudev, Advocate, for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

CRM- 19529 of 2023

Allowed as prayed for.

Copy of order dated 30.03.2022 passed by ACJM, Rupnagar is taken on record. Registry is directed to tag the same at an appropriate place.

CRR-1138 of 2023 (O&M)

The petitioner through the instant petition is seeking setting aside of order dated 13.03.2023 whereby Additional Sessions Judge, Rupnagar, Appellate Court has dismissed appeal filed by the petitioner and affirmed order dated 30.03.2022 whereby ACJM, Rupnagar, in terms of Section 12 read with Section 20 of Protection of Women from Domestic Violence Act, 2005 (for short "DV Act") has granted interim maintenance.

2. The order dated 30.03.2022 was passed by ACJM in terms of Section 12 read with Section 20 of DV Act.

3. The petitioner preferred an appeal before Appellate Court in terms of Section 29 of DV Act which came to be dismissed. The petitioner is assailing orders passed by Appellate Court as well as

Magistrate.

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 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 petitioner to avail remedy as permissible by law.

6. Disposed of with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

01.05.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No