

2023:PHHC:148902

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

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**CRR-2320-2018(O&M)
Date of Decision: 22.11.2023**

NIRMALA DEVI

...Petitioner

Versus

ROOP LAL AND ORS

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. V.M. Handa, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present revision petition is for setting aside the impugned order dated 04.04.2018 (Annexure P-1) passed by Additional Sessions Judge, Kapurthala whereby the appeal filed by the petitioner against the order of acquittal dated 12.06.2017 passed by Judicial Magistrate, 1st Class, Phagwara (Annexure P-2) was dismissed.

2. Learned counsel for the petitioner contends that the petitioner filed an application under Sections 12, 17, 18, 19, 20, 22 and 23 of Protection of Women from Domestic Violence Act. The said application was dismissed by Judicial Magistrate, 1st Class, Phagwara vide order dated 12.06.2017, which was impugned by the petitioner by filing an appeal before the Additional Sessions Judge, Kapurthala. The same was also dismissed by the Additional Sessions Judge, Kapurthala vide order dated 04.04.2018.

3. Learned counsel for the petitioner further submits that as per the order dated 01.06.1993 passed by Family Court, Hoshiarpur, the petition filed by the respondent-husband-Roop Lal was allowed under Section 13 of the

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Hindu Marriage Act, 1955. Thereafter, the petitioner-wife filed the appeal (FAO No.103-M of 1993) which was dismissed in default on 07.11.1994 by Coordinate Bench of this Court. The petitioner-wife had also filed an application seeking condonation of delay of 20 years and 305 days in filing an application for restoration of the said appeal. The said application was dismissed vide order dated 16.09.2022 passed in CM-21512-CII-2015. Copy of the said order is submitted by learned counsel for the petitioner in Court today, which is taken on record.

4. Keeping in view the aforesaid submissions, I am of the considered opinion that the matrimonial fight between the petitioner and respondent No.1- Roop Lal stands already culminated by way of dismissal of the aforesaid CM vide order dated 16.09.2022 passed by the Coordinate Bench of this Court, as such, no dispute is left between the parties. The parties would have lost interest in the present litigation, which is against an order of dismissal of the appeal, whereby the order of acquittal of the respondent has been upheld by the Additional Sessions Judge, Kapurthala, as such the present revision petition is dead wood and requires no interference. Consequently, the same stands dismissed.

5. All pending miscellaneous applications, if any, also stand disposed of.

**(HARPREET KAUR JEEWAN)
JUDGE**

22.11.2023

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No