

2023 : PHHC : 058995

CRR-1574 of 2021(O&M) and other connected cases - 1 -

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 26.04.2023

1.CRR-1574 of 2021(O&M)

Rajiv Sohal

---Petitioner

versus

Monica

---Respondent

2.CRR-425 of 2022

Monica

---Petitioner

versus

Rajiv Sohal and others

---Respondents

3. CRR-431 of 2022(O&M)

Monica

---Petitioner

versus

Rajiv Sohal

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Alka Chatrath, Advocate
 for the petitioner in CRR-1574 of 2021
 for respondent(s) in CRR-425 and 431 of 2022

Mr. Kushagra Mahajan, Advocate
for the petitioner in CRR- 425 and 431 of 2022
for respondent in CRR-1574 of 2021

JAGMOHAN BANSAL, J. (ORAL)

By this common order, CRR Nos. 1574 of 2021, 425 of 2022 and 431 of 2022 are hereby adjudicated as all are arising out of same impugned orders dated 11.03.2019 and 28.9.2021 passed by trial court and appellate court, respectively. For the sake of brevity, facts are borrowed from CRR-1574 of 2021.

2. The petitioner through the instant petition is seeking setting aside of order dated 28.9.2021 whereby Appellate Court has reduced amount of maintenance from Rs. 50,000/- to Rs. 35,000/- per month as was granted vide order dated 11.3.2019 passed by Magistrate.

3. The order dated 11.3.2019, granting maintenance, was passed by Magistrate in terms of Section 12 of Protection of Women from Domestic Violence Act, 2005 (for short “DV Act”).

The petitioner preferred an appeal before Appellate Court in terms of Section 29 of DV Act which came to be partially allowed. The petitioner as well as respondent are 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, Kunappareddy vs. Kunappareddy Swarna Kumari (2016) 11 SCC 774*** and Full Bench of Madras High Court in ***Arul Daniel and others***

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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 petitions are 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.

(JAGMOHAN BANSAL)
JUDGE

26.4.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No