

2023:PHHC:069997
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2908-2017 and
Date of Decision: 15.05.2023

SULEKHA

.... Petitioner

Versus

DAYANAND KALIRAMNA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.U.K.Agnihotri, Advocate with
Mr.Anshul Agnihotri, Advocate and
Mr.Vikas Ketol, Advocate for the petitioner.

Mr.A.K.Bishnoi, Advocate
for the respondent

SANJEEV PRAKASH SHARMA, J (ORAL)

1. This revision petition has been filed by the counsel for the petitioner for assailing the order dated 17.05.2017 passed by learned Addl. Sessions Judge, Hisar where by he has set aside the order passed by the learned JMIC, Hisar dated 05.12.2015 vide the said judgement the learned Magistrate had passed the order under Section 12 read with Section 17 to 23 of the Protection of Women from Domestic Violence Act, 2005 granting her accommodation of one room, kitchen and bathroom in H.No. 204, Urban Estate-II, Hisar which was stated to be as a share house hold.

2. Learned counsel for the petitioner has pointed out that the judgement passed by the Apex Court in ***S.R.Batra and another Vs. Tarun Batra (2007) 3 SCC 169*** holding that the residence of a share house hold could only mean the house belonging to or taken on rent by the husband or the house which belongs

to joint family or which husband is a member, has been over ruled by the Apex Court in *Satish Chander Ahuja Vs. Sneha Ahuja, 2021 (Vol-II SCC) page 414.*

3. Learned counsel appearing for the respondent submits that father in law of the petitioner has already expired in 2022 and the mother in law who is of about 80 years of age is not being allowed to live in her own house which belongs to her on the basis of the interim order passed by this Court.

4. Taking into consideration, the aforesaid facts this Court deems it appropriate to modify the order dated 24.08.2017 passed by this Court and direct the petitioner shall be only entitled to one room, kitchen, bathroom which are situated at the first floor of the house H.No. 204, Urban Estate-II, Hisar. It is made clear that the respondent shall be entitled to egress and ingress to her own house and would occupy and live peacefully in her residence. The petitioner shall allow the respondent to live piece fully and will not cause any harassment to her at this old age. It is made clear if the petitioner or the respondent have any complaint or grudges they will move appropriate application before this Court instead of taking law in their own hand.

(SANJEEV PRAKASH SHARMA)
JUDGE

15.05.2023
Raman

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