

Neutral Citation No.2024:PHHC:003833

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

**Criminal Revision No.34 of 2024 (O&M)
Date of decision: 11.01.2024**

Ritu Sharma

... Petitioner

Vs.

Rajneesh Gupta and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sunil K.Chaudhary, Advocate,
for the petitioner.

Mr. Jaswinder Singh Grewal, Advocate,
for respondents No.1 and 2.

MANISHA BATRA, J.

1. The petitioner is assailing the order dated 13.06.2023 passed by learned Judicial Magistrate, Ist Class, Rupnagar in Complaint No.COMA-57-2022 titled as *Ritu Sharma v. Rajneesh Gupta and others* filed under the provisions of the Protection of Women from Domestic Violence Act, 2005 (For short "DV Act") whereby an application filed by Kamlesh Jain who is the respondent in the above complaint had been allowed and the residential order granted to the petitioner to stay in the house in dispute was cancelled with simultaneous direction to respondent No.1 Rajneesh Gupta to pay an amount of Rs.7000/- per month to the petitioner as monthly rent in lieu of residence. The petitioner also challenged the said order by filing an appeal before the Court of learned Additional Sessions Judge, Rupnagar who vide order dated 29.11.2023

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had affirmed the order passed by the Judicial Magistrate.

2. It is submitted in the revision petition and learned counsel for the petitioner has argued that the impugned orders as passed by the Courts below suffer from gross errors and have been passed without application of judicious mind and against the spirit of provisions of the DV Act. He has argued that the house in one room of which the petitioner had been staying was in her shared household. This entire household consisted of nine bed rooms. The petitioner being an aggrieved person had an indefeasible right to reside in this household which has been denied to her by virtue of the impugned orders. With these broad arguments, it is submitted by him that the impugned orders be set aside and the right of the petitioner to reside in the shared household be protected by staying the implementation of the impugned orders.

3. At this stage, Vakalatnama on behalf of respondents No.1 and 2 has been filed and it is submitted by learned counsel for respondents No.1 and 2 that there is no infirmity in the impugned order warranting interference by this Court.

4. I have heard learned counsel for the petitioner at considerable length besides going through the orders as passed by learned Magistrate as well as the learned Lower Appellate Court.

5. It is culled out from the record that the present petitioner has filed complaint under the provisions of the DV Act against her husband, mother-in-law and other members of her in-laws family. By filing an

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application, prayer had also been made by her in the abovesaid complaint for restraining the respondents from turning her out from her matrimonial house. The learned trial Magistrate has observed that the house in one room of which the petitioner has been residing is infact owned by the respondent No.2 on being inherited the same from her deceased husband. Obviously, the relations between the parties are strained and that is why they are in litigation. The respondent No.2 is stated to be a 77 year old lady. Several allegations and counter allegations have been levelled by the parties as against each other. The learned trial Magistrate after making a detailed discussion had reached at the conclusion that her staying in the same house would increase difficulties for the remaining members and would strain their relations even further. By considering all these circumstances, direction has been given to the petitioner to vacate the house in dispute and within one month from the date of order and in lieu thereof, the respondent No.1 who is husband of the petitioner has been given direction to pay an amount of Rs.7000/- per month to her by way of rent. The learned Lower Appellate Court is also shown to have considered the contentions as raised by both the sides and came to a conclusion that there was no infirmity in the order passed by the learned Magistrate which was rather in interest of both the parties. It is not that by way of passing of the impugned order, the learned Magistrate has left the petitioner without any alternative. Rather by striking a reasonable balance, direction has been given to respondent No.1 to make payment of rent @Rs.7000/- per month to the petitioner which is quite proper and

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cannot be stated to be meager. As such, I see no reason to interfere in the findings as recorded by learned trial Magistrate and further affirmed by the Lower Appellate Court.

- 6. Accordingly, the petition is dismissed.
- 7. Miscellaneous application(s), if any, also stand disposed of.

11.01.2024	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No