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

(206)

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Date of Decision: 23.09.2024

Gurmit Singh

.....Petitioner

Versus

Kamaljeet Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Hamid Hassan, Advocate, for the petitioner.

Ms. Geetika Sharma, Advocate, for
Mr. Sourabh Goel, Advocate, for the respondent.

HARKESH MANUJA, J.(ORAL)

1. By way of present revision petition filed under Article 227 of the Constitution of India, prayer has been made for setting aside the orders dated 25.02.2021 and 27.04.2023 passed by the Court of learned Judicial Magistrate 1st Class, Panchkula as well as the Additional Sessions Judge, Panchkula, whereby, the petitioner has been directed to pay maintenance @ Rs.6,000/-(Six Thousand) per month to the respondent-daughter-in-law and Rs.4,000/- (Four Thousand) per month to the Grand Son-Harnoor.

2. In the present case, marriage between the son of the petitioner and respondent took place on 05.01.2014. Out of the wed-lock one child-Harnoor was born on 20.08.2016. On account of difference, husband and wife started living separately and resultantly, the respondent-wife moved an application under the provisions of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as “the 2005 Act”) followed by an application for interim maintenance against husband Gurjit Singh which came to be disposed of vide decision dated 07.12.2020 passed by Judicial



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Magistrate 1st Class, Panchkula, directing the husband to pay an amount of Rs.20,000/- per month as interim maintenance starting from the month of December 2020 till further orders. Faced with this, husband-Gurjit Singh neither appeared in the proceedings in person, nor paid even a single penny towards interim maintenance.

3. Faced with the aforesaid, the respondent-wife moved an application before the trial Court seeking issuance of direction against her father-in-law and mother-in-law for payment of interim monetary relief. The aforesaid application was opposed at the instance of petitioner herein, however, the trial Court vide order dated 25.02.2021 allowed the prayer partially while directing the father-in-law i.e. petitioner herein to pay interim maintenance @ Rs.10,000/- p.m. in total to the respondent-wife as well as the grand son. The aforesaid order dated 25.02.2021 passed by the Judicial Magistrate 1st Class, Panchkula, was assailed at the instance of petitioner herein before the Court of Additional Sessions Judge, Panchkula, by way of criminal appeal however, the same came to be dismissed vide order dated 27.04.2022. Hence the present civil revision.

4. Learned counsel for the petitioner submits that the petitioner being father-in-law is not liable to pay interim maintenance in the given facts and circumstances wherein husband Gurjit Singh is still alive and thus, the impugned orders are liable to be set aside.

5. I have heard learned counsel for the petitioner and perused the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

6. In the present case, Gurjit Singh i.e. the husband of the respondent is living in Italy and it is the petitioner who is pursuing the entire litigation.



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No interference is called for with the decision rendered by the Courts below which are based on the decision given by the Hon'ble Apex Court in ***Ajay Kumar vs Lata @ Sharuti, 2019 SCC On Line SC 726***. In the facts of the present case, though the interim maintenance was ordered by the Judicial Magistrate 1st Class, Panchkula, vide order dated 25.02.2021, for the past almost 4 years, not even a single penny has been paid to the respondent. Even no effort has been made on the part of the petitioner or his son to reconcile the dispute. On a conjoint reading of Section 2(f) and 2(q) read with Section 12 and 20(d) of the 2005 Act, the Courts below were well within their jurisdiction and authority to direct the petitioner-father-in-law to grant monetary relief to the respondent (daughter-in-law) for maintenance. Aforesaid view is also derived from the decision made in case of "*Md. Rajab Ali & two Ors vs Mustt. Manjula Khatoon*" reported as 2014(3) Recent Criminal Reports 692. Relevant paragraph No. 25 is extracted hereunder:-

"25. Having regard to the definition of respondent and domestic relationship, I am of the considered opinion that there is no merit in the contention of Mr. Chakraborty that direction for monetary relief and compensation can be made only against the husband and not against the male family members of the husband. Respondent means any adult male person who is, or has been in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under the D. V. Act. The proviso to section 2(q) makes the position further clear that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner. Complaint is defined in Rule 2(b) of the D.V. Rules to mean any allegation made orally or in writing by any person to the Protection Officer and section 12 of the D.V. Act provides that a Protection Officer may also present an application on behalf of the aggrieved person to the Magistrate seeking reliefs under the D. V. Act. As such, under the D. V. Act, it is



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permissible to grant monetary relief and compensation against male persons who had committed domestic violence. In S. R. Batra (Supra), the Apex Court at paragraph 28 had observed that claim for alternative accommodation can only be made against the husband and not against the in-laws or other relatives. In that view of the matter, direction to pay rent to the petitioners by the learned Court below is not sustainable in law. Accordingly, the impugned judgments are interfered with only to the extent that the present petitioners will not be liable to pay rent of Rs. 1,000/- per month as directed by the learned Courts below.

7. In view of the above discussion, finding no merits in the present revision petition, the same is dismissed.

(HARKESH MANUJA)
JUDGE

23.09.2024

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