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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RA-CW-165-2024 IN/& CWP-12151-2022

Date of decision : 31.05.2024

Pallavi

... Applicant-Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.S. K. Tripathi, Advocate
for the applicant-petitioner.

Mr.Naveen Singh Panwar, DAG, Haryana.

Mr.H.S. Dhindsa, Advocate
for respondent nos. 3 and 4.

VIKAS BAHL, J.(ORAL)

1. This is a review petition under Order 47 Rule 1 and 2 of CPC for reviewing the order dated 10.05.2024 rendered in CWP-12151-2022.
2. The order dated 10.05.2024 was passed as during the course of hearing, it was not disputed that the applicant-petitioner was not staying in the house in question.
3. Learned counsel for the applicant-petitioner has submitted that there was a communication gap between the applicant-petitioner and him and in fact the applicant-petitioner is still residing in the house in question and for the said purpose, has referred to Annexure RA/3 to show that even in the appeal filed under Section 29 of the Protection of Women from



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Domestic Violence Act, 2005 by the husband of the applicant-petitioner in which the father-in-law Shiv Murti has been shown as a proforma respondent, the applicant-petitioner is shown to be residing in the house in question. Further reference has been made to Annexure RA/4 to show that the civil suit instituted by the son of the applicant-petitioner against Shiv Murti, father-in-law, who is respondent no.3 in the present case was compromised and it was agreed that three rooms situated at ground floor in the house in question would be given to the family of the applicant-petitioner. Reference has also been made to two affidavits dated 11.05.2024 of Deepu and Kajal Devi in support of said plea.

4. Learned counsel for respondents no.3 and 4, on the other hand, has referred to Annexure R3/4 (page 101 of the paper book) to show that in the case filed by the petitioner under the Protection of Women from Domestic Violence Act, 2005, the applicant-petitioner had signed and under the same, house number mentioned is some other house other than the house in question.

5. This Court has heard the learned counsel for the parties and has perused the paper book.

6. A perusal of the order dated 10.05.2024 would show that the petition was disposed of as infructuous on the basis of the statement made on behalf of the applicant-petitioner and the present respondents that the petitioner is not staying in the house in question and the case was not decided on merits. On the basis of documents referred by both the parties, it cannot be said affirmatively that the petitioner is not residing in the house,



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in question. On 31.05.2022 while issuing notice of motion, status quo was granted in favour of the applicant-petitioner. Learned counsel for the applicant-petitioner has submitted that the statement was made by him due to communication gap between the petitioner and him.

7. Keeping in view the above said facts and circumstances, the review petition is allowed and the order dated 10.05.2024 is recalled and the case is ordered to be restored to its original number.

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Adjourned to 04.11.2024 for arguments.

**(VIKAS BAHL)
JUDGE**

May 31, 2024
Davinder Kumar

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