

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-44454-2023 (O&M)
Date of decision: 21.03.2024

Amanpreet Singh ...Petitioner

Versus

Manpreet Kaur ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Talwant Singh, Senior Advocate with
Mr. Parikshit Goyal, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The petitioner has challenged the order dated 22.07.2022 passed by learned Additional Sessions Judge, Chandigarh in case bearing No. **CRR-114-2020** arising out of a complaint filed under the provisions of the Protection of Women from Domestic Violence Act, 2005, titled as **Manpreet Kaur vs. Bawa G.S. Bhalla & Ors.**, whereby, the revisional Court had declined the prayer made by the present petitioner to dispose of an application filed by him and one more respondent of the said revision petition, for dismissal of the petition on the ground of maintainability, by observing that the same could be heard along with the final arguments and giving any opinion on the question as raised in the application, would amount to give expression of opinion by the Court at the final stage.
2. Learned counsel for the petitioner has argued that the impugned order, as passed by learned Additional Sessions Judge, Chandigarh, is not sustainable in the eyes of law as once question of maintainability of the

revision petition had been raised by the petitioner by taking specific objections, then it was incumbent upon it to firstly delve on that question but by declining to do so, a grave error has been committed by the revisional Court. Therefore, it is urged that the instant petition deserves to be allowed.

3. Mr. Pawandeep Singh, Advocate, who is present in Court, has filed his memo of appearance on behalf of the respondent and has argued that the present petition has been filed challenging the impugned order after a gap of one year and one month. More so, the main arguments have already been heard by the revisional Court and it is only on account of interim order passed by this Court on 19.12.2023 that the revisional Court has not announced the final order so far. Hence, he has argued that the present petition is liable to be dismissed.

4. The arguments so raised by the parties have been heard and considered, besides perusing the record.

5. The petitioner had placed on record copies of orders passed by the revisional Court in revision petition No. 114 of 2020 as Annexure A-2 (colly.). A perusal of order dated 16.11.2022 (page 34 of Annexure A-2) reveals that the arguments on the application filed by the present petitioner for dismissal of the revision petition had been partly addressed on that date. Page 35 of Annexure A-2 is copy of order dated 14.12.2022, passed in the same case, showing that written arguments on the part of the present petitioner had been filed and the matter had been adjourned for 03.01.2023 for concluding arguments. Page 47 of this Annexure is copy of order dated 07.08.2023 showing that remaining arguments had also been addressed on that date and a

perusal of order dated 19.09.2023 (page 49 of Annexure A-2) reveals that the oral arguments were already stated to have been concluded by counsel for the petitioner but they had still requested for grant of adjournment for submitting written arguments.

6. The instant petition has been filed challenging the order dated 22.07.2022, after a gap of one year and one month without explaining the said delay. On a perusal of the orders, as passed by the revisional Court, it is crystal clear that the arguments on the main petition have already been addressed by the side of the petitioner but still they were seeking adjournment for filing written arguments, apparently to delay the disposal of the revision petition. When the arguments in the main petition have already been heard and at that time, the revisional Court would obviously decide the issue of maintainability of the petition also, therefore, in the considered opinion of this Court, no useful purpose would be served by giving any direction to the revisional Court to firstly decide the question of maintainability of the petition and then to decide the main petition. Accordingly, finding no merit in this case, the present petition stands dismissed.

21.03.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No