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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23636-2022
Date of decision: 06.03.2024

Kuldeep Kaur ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kuljit Singh Bal, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Vinod K. Kaushal, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India praying for the issuance of a writ in the nature of certiorari for setting aside the impugned order dated 05.08.2022 passed by the Additional District Magistrate, Amritsar (Annexure P-1).
2. On 17.10.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion for 24.03.2023.

*However, the order passed by the authorities below would not be taken as affecting the rights of the petitioner, as available to her under **the Protection of Women from Domestic Violence Act, 2005**; in case the competent Court is approached in that regard.*

Similarly, the above interim order would not be

*interpreted by the Court under **the Protection of Women from Domestic Violence Act, 2005**; as conferring any specific right in favour of the petitioner to claim residence in the house of the respondent-senior citizen. The claim of the petitioner would be independently assessed by the Court, as per provisions of **the Protection of Women from Domestic Violence Act, 2005**.*

Sd/- (Rajbir Sehrawat)

Judge

October 17, 2022

3. Learned counsel for the petitioner as well as counsel for respondent No.2 have jointly submitted that possession of the house has been handed over to respondent No.2 except one room regarding which there is protection to the petitioner on account of the orders passed under the Protection of Women from Domestic Violence Act, 2005 (hereinafter to be referred as “the 2005 Act”). It is further submitted that both the parties would be bound by the final order passed under the 2005 Act with respect to the possession of the said room. It is further jointly submitted that in the said terms, the present Civil Writ Petition be disposed of.

4. Keeping in view the above-said facts and circumstances, the present Civil Writ Petition is disposed of in terms of the abovesaid joint statement made by learned counsel for the petitioner as well as respondent No.2.

06.03.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**