



CR No.6087 of 2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CR No.6087 of 2024

Date of Decision: 22.10.2024

Nirmala

..... Petitioner

Versus

Naresh Punia and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. U.K. Agnihotri, Advocate and
Mr. A.K. Agnihotri, Advocate and
Mr. Anuj Y. Attri, Advocate
for the petitioner.

VIKAS BAHL, J (ORAL)

1. This is a civil revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 27.08.2019 passed by the learned Additional Sessions Judge, Hisar (Annexure P-1).

2. Learned counsel for the petitioner has submitted that in the present case, the Additional Chief Judicial Magistrate, Hisar vide order dated 20.08.2019 granted the following relief:-

“Accordingly, the applications in hands stand allowed with direction to respondent No.1 to pay interim maintenance allowance to the tune of Rs.4000/- per month from the date of filing of the present application i.e. 20.08.2018 to applicant, respondents are restrained from dispossessed the applicant from house in question and DHBVN is directed to issue new electricity connection in the name of applicant in house in question within 15 days of passing of this order provided that



CR No.6087 of 2024

-2-

the applicant complete the necessary formalities of Nigam as required under the rules. It is ordered accordingly.”

3. It is further submitted that the Additional Sessions Judge, Hisar vide the impugned order dated 27.08.2019 had stayed the operation of the order dated 20.08.2019 till the next date of hearing i.e. 25.09.2019 after the counsel for the respondent had appeared and the case was fixed for 25.09.2019 for arguments. It is submitted that the petitioner against the said ad-interim order had filed CRR-2348-2019 in which case, a Co-ordinate Bench of this Court was pleased to issue notice of motion and granted the following interim order:-

“In the meanwhile, order dated 27.8.2019 passed by learned Additional Sessions Judge, Hisar in so far as the same pertains to stay of operation of order dated 20.8.2019, shall remain stayed. In other words, the order dated 20.8.2019 shall remain operative till further orders.”

4. It is further submitted that the said interim order continued till the passing of the order dated 22.08.2024 vide which a Co-ordinate Bench of this Court had passed the following order:-

“Reference is to judgment dated 24.04.2023 passed by a co-ordinate Bench of this Court in CRM-M-19553-2023 titled as ‘Jaspal Kaur alias Pinki and others vs. State of Punjab and another’, wherein it has held that ‘the proceedings under Section 12 of the DV Act are civil in nature, therefore, a petition under Section 482 Cr.P.C. or revision under Section 397 Cr.P.C., assailing the order passed in complaint filed under the provisions of DV Act are not maintainable.

Vide order dated 13.09.2019, a Coordinate Bench of this Court had operated the order dated 20.08.2019. The said order shall subsist for the next four weeks from today.



CR No.6087 of 2024

-3-

In view of the above, learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to take recourse to the appropriate remedy, in accordance with law within a period of four weeks from today.

Dismissed as withdrawn, with the liberty aforesaid.

Pending application, if any, stands disposed of.”

5. It is submitted that in pursuance to the liberty granted, the petitioner has filed the present revision petition.

6. Learned counsel for the petitioner has fairly submitted that the criminal appeal i.e. CRA-387-2019 against the order dated 20.08.2019 is still pending and the same is listed for arguments on 08.11.2024. It is prayed that the First Appellate Court be directed to decide the said appeal as expeditiously as possible and in a time bound manner. It is further prayed that till the time, the said appeal is not decided, the electricity connection which has been released in the name of the petitioner by the DHBVN be not disconnected by the respondents.

7. Keeping in view the above said facts and circumstances of the case and the limited prayer made by learned counsel for the petitioner, the present petition is disposed of with the direction to the First Appellate Court, where the CRA-387-2019 is pending against the order dated 20.08.2019, to decide the same as expeditiously as possible, preferably, within a period of two months from 08.11.2024.

8. The counsel appearing before the First Appellate Court for all the parties concerned are also requested to fully assist the Court for expeditious disposal of the said appeal. Since the petitioner had interim order in her favour from 13.09.2019 to 20.09.2024, thus it is observed that

**CR No.6087 of 2024****-4-**

till the time, the said appeal is decided, the respondents are restrained from disconnecting the electricity connection which as per the case of the petitioner has been released after the order dated 20.08.2019.

9. It is clarified that the grant of the said interim order should not be construed as an expression on the merits of the case and the First Appellate Authority would decide the appeal independently in accordance with law after hearing all the parties concerned.

10. It would be relevant to note here that no notice is being issued in the present case to the respondents as issuance of notice would unnecessary delay the proceedings and would also entail expenses for the respondents to defend the present petition. However, in case, any argument made by the petitioner as noticed hereinabove is factually incorrect, then it would be open to the respondents to move an application for recalling the present order.

22.10.2024*D.Bansal***(VIKAS BAHL)
JUDGE**

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