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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 188/2022 & CRL.M.A. 6160/2022**

RITU KOHLI

..... Petitioner

Through: Ms.Mansi Sharma, Adv.

versus

VIPIN KOHLI & ORS.

..... Respondents

Through: Mr.Prateek Jindal, Adv. for
R-1.

Mr.Amit Sanduja, Ms.Sakshi
Singh, Mr.Tushar Batra, Adv.
for R-2-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

03.05.2024

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1. This petition has been filed under Section 401 of the Code of Criminal Procedure, 1973 (in short, 'CrPC') challenging the order dated 16.03.2022 passed by the learned Additional Sessions Judge-04, North-District, Rohini Courts, Delhi in Criminal Appeal No.28/2022 titled as *Vipin Kohli v. Smt.Ritu Kohli & Ors.*, revising / modifying an arrangement between the parties with respect to the use and occupation of the property bearing No.A-5/69, First Floor, Sector-16, Rohini, Delhi.
2. The learned counsel for the respondents points out that during the pendency of the present proceedings, the learned MM, Mahila Court-01, Rohini Courts, Delhi, vide order dated 29.11.2023, directed the petitioner to vacate the shared household, and the respondent no.1 has been directed to provide alternate



accommodation. He submits that this order has been challenged by the petitioner in form of an appeal, being CA No.1/2024 titled as ***Ritu Kohli & Anr. v. Vipin Kohli & Ors.***, wherein the learned ASJ-04, North-District, Rohini Courts, Delhi, vide its order dated 02.01.2024, has been pleased to stay the operation of the order dated 29.11.2023. The said appeal is still pending.

3. In my view, with the passing of the order dated 29.11.2023 and the issue being pending before the learned ASJ in the form of the abovementioned appeal, the present petition has been rendered infructuous.
4. The decision as to whether the petitioner is entitled to stay in the above mentioned property and if so, to what portion and how the enjoyment thereof is to be regulated, would all be matters that would have to be determined by the Appellate Court after hearing the parties.
5. With the above clarification and liberty to the parties to raise all their contentions before the learned ASJ in the abovementioned appeal, the present petition is deposed of.
6. As the issue involved is of use and occupation of the claimed shared household, and the respondent is stated to be aged around 75 years, the learned ASJ is requested to expedite the hearing of the appeal and not grant any unwarranted adjournments to either side.

NAVIN CHAWLA, J

MAY 3, 2024

RN/ss

Click here to check corrigendum, if any