

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2025:PHHC:075349



**CWP No.17028-2025
Date of Decision: 02.06.2025**

Monika

....Petitioner

VS.

State of Union Territory of Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Harnoor Singh Sidhu, Advocate
for the petitioner

Mr. Anil Sharma, Advocate
for Mr. Rohit Kaushik, Advocate
for respondents No. 1,2, 3 and 7

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking direction to private respondents not to dispossess her forcefully.

2. The petitioner claims that she solemnized marriage with Gurpreet Singh resident of House No. 434, Sector-37A, Chandigarh. She was staying at second floor of the afore-said house. A matrimonial dispute erupted between the parties. Her husband and his brother transferred their properties in the name of their old aged parents i.e. respondents No. 4 and 5. The parents-in-law taking advantage of their age, approached Additional District Magistrate-cum-Tribunal in terms of provisions of the Maintenance & Welfare of Parents and Senior Citizens Act, 2007 (in short "2007 Act).



The Tribunal passed order in favour of respondents No. 4 and 5 and she preferred an appeal before Appellate Authority. The appeal came to be allowed by way of remand. The matter is pending before Additional District Magistrate since October’2024.

3. Counsel for the petitioner submits that petitioner has been dispossessed in May’2025. The action of respondents is illegal and contrary to instructions of Appellate Authority. She apprehends that respondents No. 4 and 5 may withdraw their petition.

4. On the asking of Court, Mr. Sidhu, Advocate confirms that petitioner has preferred petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short “DV Act”). The said petition is still pending before Magistrate at Chandigarh. The petitioner has also file petition under Section 125 Cr.P.C. seeking maintenance.

5. As Additional District Magistrate under the 2007 Act as well as Magistrate under Section 12 of DV Act and 125 Cr.P.C. are seized of the matter, this Court does not find it appropriate to invoke its jurisdiction under Article 226 of the Constitution of India. The petitioner has alternative and efficacious remedy under Section 12 of DV Act even though respondents No. 4 and 5 may withdraw their petition before Additional District Magistrate. The petitioner is at liberty to avail alternative legal recourse.

6. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

02.06.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No