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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 23.01.2025

(I) CRM-M-59389-2024

SIMRAT CLAIRE

...Petitioner(s)

VERSUS

AMARJIT SINGH CLAIRE

...Respondent(s)

(II) CRM-M-61618-2024

SIMRAT CLAIRE

...Petitioner(s)

VERSUS

AMARJIT SINGH CLAIRE

...Respondent(s)

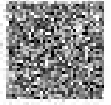
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Sumanjit Kaur, Advocate
for the petitioner (in both the cases).

JASGURPREET SINGH PURI, J. (Oral)

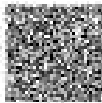
1. Both the petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside the order dated 20.09.2024 passed by the learned Additional Sessions Judge, SAS Nagar, Mohali in two different appeals.

2. Learned counsel for the petitioner submitted that the petitioner had filed a petition for grant of maintenance under the DV Act against her own



father and the same was allowed although *ex parte* vide order dated 03.11.2015 by the learned Judicial Magistrate 1st Class, SAS Nagar, Mohali. She further submitted that thereafter, on appeal being filed by the respondent-father, the learned Additional Sessions Judge, SAS Nagar, Mohali on 20.09.2024 set aside the order passed by the learned Judicial Magistrate 1st Class, SAS Nagar, Mohali because it was an *ex parte* order and remitted the matter back to the learned Judicial Magistrate 1st Class, SAS Nagar, Mohali with a direction to give three effective opportunities to both the parties to put forth their case and to decide the matter afresh in accordance with law, preferably within a period of six months. She further submitted that after the remand order was passed, the learned Judicial Magistrate 1st Class, SAS Nagar, Mohali has proceeded with the matter and now the matter is fixed for final arguments and the same will be decided shortly. She also submitted that the only grievance of the petitioner as of now is that some direction may be issued that in case in future some appeal is filed, then the same may be decided expeditiously.

3. After hearing the learned counsel for the petitioner, this Court is of the considered view that such kind of innocuous prayer made by the learned counsel for the petitioner is absolutely misconceived and unsustainable. No such direction can be issued that in case in future any appeal is filed then the same may be decided expeditiously because no direction can be issued in vacuum. After the order dated 20.09.2024 was passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, the learned trial Court is now proceeding with the matter and as per the learned counsel for the petitioner, now the same is fixed for final arguments and will be decided shortly.



4. Consequently, finding no merit in both the petitions, the same are

hereby dismissed.

23.01.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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