

2025:PHHC:014362



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

Sr. No.123

CRM-M-62365-2024 (O&M)
Date of decision : 30.01.2025

Vishal Verma

..... Petitioner

VERSUS

Manjot Kaur and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ishan Gupta, Advocate for the petitioner.

KIRTI SINGH, J. (Oral)

1. The instant petition has been filed for setting aside/quashing of the impugned order dated 25.10.2024 (Annexure P4) passed by the learned Addl. District Judge, Ludhiana whereby the criminal appeal filed by the petitioner against the impugned judgment dated 17.10.2023 passed by the learned Judicial Magistrate, First Class, Ludhiana allowing the complaint filed under Section 12 of the Domestic Violence Act, 2005 has been dismissed.

2. Succinctly put the facts of the case are that the marriage of the complainant-respondent No.1 was solemnized with the petitioner on 21.10.2015 as per Sikh rites and ceremonies and out of this wedlock one girl child namely Manvi Verma was born. On account of matrimonial dispute between the petitioner and complainant-respondent No.1, the impugned complaint under Section 12 of the Domestic Violence Act came to be filed wherein it is alleged as under:-

*'At the time of marriage, the father of the complainant
spent a huge amount of more than Rs.10.00 lakhs. Sufficient*

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dowry articles were given to the respondents. The respondents proved to be greed persons and used to maltreat and misbehave with the complainant on account of the less dowry. After some time of the marriage, the behavior of the respondents changed and they all in connivance with each other started misbehaving and maltreating with the complainant and she was forced to do all the house hold work and even was not spared during pregnancy. The respondents No.5 and 6 along with the respondents No.4 were residing in the matrimonial home of the complainant and they harassed, humiliate and tortured the complainant. The respondent no.6 keep evil eye on the complainant and when this matter was brought into notice of respondent no. 1 instead of restraining the respondent no.6 from her ill acts, rather abused and mercilessly beaten the complainant. On 20.12.2021, due to continuous harassment the complainant moved complaint on police help line No. 112 having reference no.815065 and in order to cover up the illegal acts moved false and frivolous complaint against the complainant on 22.12.2021 and thereafter with their preplanned moved on 23.12.2021, the respondents again repeated their demands of huge amount and merciless beatent by the respondent with the intention to kill her. Thereafter, the complainant made a call to her parents and finding no hope they took the back the complainant to her parent house in three cloths. The respondent no.1 has failed to maintain the complainant and minor child. The complainant has no source of income. She does not own any movable and immovable property, nor is doing any job. The complainant is unable to maintain herself. On the other hand, the respondent is a man of means and is running the shop under the name & style of M/s Pal TV Centre at Pandori Gate, Dharamkot, Moga and is earning more than Rs.1.00 lakh per month business of manufacturing of machinery/cutters & machinery parts under the name & style of Rittu Engg. Works and is also having plots

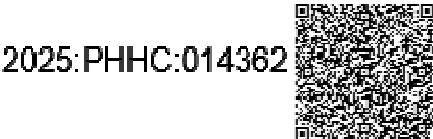
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and fixed deposits, bank balance and is earning more than Rs.1,00,000/- per month and he is doing property dealing job and is also having bank balance and movable and immovable properties. The complainant being the legally wedded wife of the respondent No.1 is entitled to maintenance allowance @ Rs.30,000/- per month and litigation expenses. Further, the complainant is entitled to provide accommodation in the shared house hold or else she is entitled to live in a separate accommodation/rent as per the standard of the complainant. Further, the respondent be directed to handover the istridhan of the complainant and restrained from committing any kind of domestic violence against the complainant.'

3. Learned counsel for the petitioner submits that vide impugned judgment dated 17.10.2023, the learned Judicial Magistrate, First Class, Ludhiana directed the petitioner No.1-husband to pay maintenance to the tune of Rs.50,000/-to the respondents and pay rent @ Rs.10,000/- per month to the respondents and further, restrained the parties from alienating the property. It has been argued that petitioner No.1 was not keeping well as he was suffering from thrombocytopenia and dengue and was advised bed rest and he took 02 months to recover. Reliance has been placed on medical record (Annexure P2). Therefore, the petitioner was not in a position to assail the impugned judgment within the prescribed limitation period. Thereafter, on 11.01.2024 the petitioner filed an appeal along with the application for condonation of delay of 45 days and had attached his medical record but the learned Court dismissed the petition on the grounds of delay without appreciating the merit of the case and the reasons for delay.

4. I have heard the learned counsel for the petitioner and gone through the record of the case with his able assistance.



5. Considering the aspect that it was on account of medical grounds that there was a delay on behalf of the petitioner to assail the impugned order, which has been duly proved by the medical record (Annexure P2), the impugned order dated 25.10.2024 is set aside and the case is remanded back to the Addl. District Judge, Ludhiana for reconsideration.

6. The petition is allowed.

7. The petitioner is directed to pay Rs.30,000/- as litigation expenses to the respondent-wife.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

30.01.2025
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No