

CA no. 339/2026

Mohit Chauhan Vs. Narinder Kaur @ Neetu Kaur

17.08.2026

Fresh criminal appeal received by way of assignment. It be checked and registered.

Present: Sh. Govind Bali, Ld. Counsel for appellant along with Advocate Alok Kumar Gupta.
Appellant in person.

The present criminal appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 has been preferred against the orders dated 11.08.2026 and 13.08.2026 passed by the learned JMFC-02 (Mahila Court), South District, in Complaint Case No. 552/2023. By the order dated 11.08.2026, residence, restraint and police-aid directions were issued in respect of House No. 96/2, East Patel Nagar, Saharanpur Road, Dehradun-248001, whereas, by the subsequent order dated 13.08.2026, the prayer for recall of the said directions and grant of interim protection was declined.

Along with the appeal, the appellant has also filed an application seeking ex-parte ad interim stay of the residence, restraint and police-aid directions contained in the order dated 11.08.2026, as well as preservation of the existing actual physical possession of the aforesaid property.

Heard. Record perused.

The principal ground urged on behalf of the appellant is that the order dated 11.08.2026 records that the residence directions were passed with the consent of both parties,

whereas, according to the appellant, no such consent was ever given by him.

Upon being queried regarding the ownership and occupation of the aforesaid property, learned counsel for the appellant submits that the property belongs to the appellant's father and is presently occupied by the appellant's parents. It is further submitted that the marriage between the parties was solemnised in the year 2018 and that, thereafter, the respondent, being a government official, remained posted in Delhi. She is stated to have been transferred to Dehradun on deputation only recently, in August 2026.

Learned counsel further draws the attention of this Court to the respondent's application dated 11.11.2022 filed before the Family Court at Dehradun. It is submitted that, in the said proceedings, the respondent herself pleaded that, after their marriage, the parties resided at Indirapuram and subsequently lived continuously in government accommodation at Pushp Vihar, Delhi and that their visits to the Dehradun property were brief and casual and that she never intended to reside there as her matrimonial home.

On the strength of the aforesaid material, learned counsel submits that House No. 96/2, East Patel Nagar, Saharanpur Road, Dehradun-248001 was never the matrimonial home or shared household of the respondent.

Having considered the submissions advanced and the documents placed on record, and without expressing any opinion on the merits of the appeal, I am satisfied that the

appellant has made out a prima facie case for grant of limited interim protection until the respondent is heard. The balance of convenience, at this stage, also warrants preservation of the existing state of possession so as to avoid creation of an irreversible situation during the pendency of the appeal.

Accordingly, the operation of the residence, restraint and police-aid directions contained in the impugned order dated 11.08.2026 shall remain stayed until the next date of hearing.

Issue notice of the appeal as well as the accompanying application to the respondent, subject to filing of process fee, returnable on the next date of hearing. Necessary steps be taken during the course of the day.

The Trial Court Record be requisitioned for the next date of hearing.

Put up on 10.09.2026.

(SAMAR VISHAL)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/17.08.2026