

IN THE COURT OF SHRI RAJINDER KUMAR,
ADDITIONAL SESSIONS JUDGE-03, WEST DISTRICT,
TIS HAZARI COURTS, DELHI

CNR No. DLWT01-008556-2026
Old No. Cr. No. 385/2026
CA No. 357/2026
P.S. Paschim Vihar East
U/s 438 BNSS

08.08.2026

In the matter of:

Pooja Malikpetitioner

Versus

Devesh Malik & Ors.Respondents

ORDER

1. This is revision petition filed against the order dated 01.06.2026 (**hereinafter referred to as 'impugned order'**) passed by Ld. JMFC (Mahila Court-5), West District, Tis Hazari Courts, Delhi in MC No. 459/2017 PS Paschim Vihar East, titled as 'Pooja Malik Vs. Devesh Malik & Ors.'

2. This is pertinent to mention here that the present revision petition has been filed against the impugned order dated 01.06.2026, whereby the application seeking disposal of application dated 16.11.2022

filed by the petitioner herein was dismissed.

Section 29 of PWDV Act reads as-

“29. Appeal

There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.”

Bare perusal of Section 29 of PWDV Act makes it clear that it is only an appeal, which lies to the Court of Sessions against an order passed by a Magistrate by the aggrieved person. So, the present revision petition is treated as an appeal filed u/s 29 of PWDV Act.

3. It is contended by the petitioner that the Ld. JMFC has failed to appreciate the facts of the present case and the material on record; that the impugned order is without application of mind and is based on surmises and conjectures; that the Ld. JMFC passed the order without going through the record of the case; that the Ld. JMFC has failed to appreciate that there are two applications dated 23.05.2026 for disposal of the application dated 16.11.2022 as well as for permission to file fresh evidence affidavit but the same are pending; that the Ld. JMFC has failed to appreciate the submissions made by the petitioner and her counsel; that the Ld. JMFC has failed to appreciate that the application is pending for the last around 04 years; that the Ld. JMFC has failed to appreciate that the application for return of articles is urgent and the same has to be decided first. It is prayed that the present revision may be allowed and the impugned order may be set aside.

4. Contentions of respondents are that the revision petition is not maintainable as it is only an appeal which lies u/s 29 of PWDV Act; that accordingly, the same is liable to be dismissed. It is also argued that there is no irregularity or illegality in the impugned order; that the matter is at the stage of CE but the petitioner herein is not interested in leading of evidence before Ld. JMFC which is pending for the last several years. It is also contended that costs were also imposed by the Ld. JMFC on several occasions but all in vain; that there are no merits in revision petition and the same is liable to be dismissed.

5. The perusal of TCR reveals that it was an application filed u/s 12, 18,19,20,22 and 23 of PWDV Act which is pending since July 2017. This is not in dispute between the parties hereto that no interim maintenance has been granted by the Ld. JMFC in favour of the petitioner (appellant herein) and the matter stands at the stage of CE before the Ld. Trial Court.

6. The impugned order reads as under:-

“Previous cost of Rs. 2000/ paid by respondent to the petitioner in compliance of order dated 02.04.2025.

Application seeking liberty to file fresh evidence affidavit alongwith the application seeking disposal of application dated 16.11.2022 filed.

Copy supplied to Ld. counsel for respondent. Let reply be filed on or before the NDOH.

Put up for reply and arguments on the application of petitioner on 20.08.2026.”

7. Apparently, the impugned order is interlocutory in nature and therefore, cannot be challenged by way of present revision petition. However, the Court is in conformity with the arguments of the ld. counsel for the appellant that several applications are pending before the Ld. Trial Court.

8. In view of the discussion made hereinabove, I do not find any merit in the present revision petition. The petitioner has failed to apprise the Court as to what is the irregularity or illegality in the impugned order. So, there is nothing on record, which demands interference in the impugned order. The appeal is accordingly **dismissed**.

However, considering the fact that several applications are pending before the Ld. Trial Court. Ld. Trial Court is accordingly requested to dispose off the pending applications at the earliest by granting an opportunity to all the parties concerned.

9. Nothing stated herein above shall tantamount to expression of opinion on the merits of the case.

10. TCR alongwith the copy of this order be sent to the Court concerned.

11. The appeal file be consigned to record room after due compliance.

**(Pronounced in the open court
on 08.08.2026)**

**(Rajinder Kumar)
Additional Sessions Judge-03 (West)
Tis Hazari Courts, Delhi**