

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1474/2011

(From the judgement and order dated 21/01/2011 in CRLRP  
No.3227/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KARAN SINGH

Petitioner(s)

VERSUS

KAVITA

Respondent(s)

(With appln(s) for directions, stay and office report )  
(For final disposal)

Date: 02/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Dr. Krishan Singh Chauhan, Adv.  
Mr. Ajit Kumar Ekka, Adv.  
Mr. Tej Singh Varun, adv.  
Mr. Chand Kiran, Adv.

For Respondent(s)

Mr. Sudarshan Rajan, Adv.  
Ms. Jayasree Narasimhan, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.  
The appeal is disposed of in terms of the  
signed order.

(Sukhbir Paul Kaur)  
Court Master

(Indu Bala Kapur)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 882 OF 2012  
(Arising out of S.L.P.(Crl.)No. 1474 OF 2011)

KARAN SINGH

Appellant(s)

Versus

KAVITA

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

This appeal is directed against the impugned judgment and order dated 21.1.2011 passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Revision Petition No. 3227 of 2009 whereby the High Court dismissed the same.

In this case, it appears that the marriage lasted only for 53-54 days. The husband Gurmeet Singh is stated to be presently studying in U.S.A. and also in employment there.

In a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, the Trial Court held that prima facie domestic violence has been committed by the respondents by not providing shared residence and maintenance to the petitioner. The direction was given to the respondents to allow the

-2-

petitioner to live in their house which is her matrimonial home. Apart from this, the respondents were directed to pay a sum of Rs.3,000/- per month to the petitioner for maintenance from the date of application till final decision.

The High court, in revision, from the aforesaid order did not find any reason to interfere in the aforesaid direction.

In the present proceedings before us, learned counsel for the appellant submitted that Karan Singh, father of the husband has actually disowned his son on 18.6.2009 and in fact, he has been adopted by an American couple. We are really not concerned with the status of the son qua the father as the issue relates to domestic violence against the respondent.

Learned counsel for the appellant has further informed us that maintenance is being regularly paid as

directed by the Courts below.

This fact is, however,

disputed by the wife, who is present in the Court.

We

are not inclined to pass any further orders with regard

to the maintenance.

The direction that the respondent

wife be allowed to live in the house of the petitioner

is pre-mature as the petitioner claims that the house

actually belongs to his mother. The son, Gurmeet

Singh, has no share in the house.

We, therefore, set aside the order of the

Trial Court and the High Court directing that the

-3-

respondent herein is permitted to live in the house

which is presently occupied by the father of the

husband i.e. the petitioner. We direct that the

maintenance, as ordered by the Courts below shall be

continued to be paid to the wife.

The Criminal Appeal is, accordingly, disposed

of with the direction to the Trial Court to decide all

the issues raised by the parties including the issue

with regard to the ownership of the premises on merits

on the basis of the evidence produced by the parties

without being influenced by any observation made by the

High Court or by us. The Trial Court is directed to

decide the entire issues with regard to the domestic

violence within a period of six months from the date of

receipt of copy of this order.

.....J.  
(SURINDER SINGH NIJJAR)

.....J.  
(RANJANA PRAKASH DESAI)

New Delhi,  
July 02, 2012