
(2018) 12 RAJ CK 0285
In the Rajasthan High Court
Case No : Criminal Revision No. 1108 Of 2018

Aishwarya Soral And Ors

APPELLANT

Vs

Gaura Sharma

RESPONDENT

Date of Decision : 06-12-2018

Acts Referred:

Protection Of Women from Domestic Violence Act, 2005 — Section 3, 23

Citation : (2018) 12 RAJ CK 0285

Hon'ble Judges : Pankaj Bhandari, J

Bench : Singal Bench

Advocate : Harishpal Singh, Praveen Kumar Jain, Rohit Khandelwal

Judgement

1. With the consent of the parties, matter is taken for disposal of the revision petition. Application for recalling the order dated 20.11.2018 was rejected.

2. Petitioners have preferred this revision petition aggrieved by order dated 04.05.2018 passed by Metropolitan Magistrate No.18, Jaipur, whereby the Court has awarded interim maintenance of Rs.10,000/- per months till disposal of the application under the Domestic Violence Act and against the judgment and order dated 19.05.2018 passed by Special Judge, Fake Currency, Jaipur Metropolitan, Jaipur whereby appeal preferred by the appellant was rejected and the appeal preferred by the respondent was partly allowed and appellant was directed to pay interim maintenance from the date of filing of the application.

3. It is contended by counsel for the petitioners that ingredients of the offence of Domestic violence as given in Section 3 of the Protection of Women from Domestic Violence Act, 2005 is missing in the complaint, hence there was no justification for the Court to proceed against the appellant and pass interim order under section 23 of the Act.

4. Counsel for the respondent has opposed the revision petition. His contention is that against grant of interim maintenance, revision petition is not maintainable. It is also contended that the Court below had specifically mentioned in the order

that domestic violence has been committed against the respondent and there was report of the Probation Officer also to this effect.

5. I have considered the contentions.

6. This Court in "Anshul Kulshreshtha vs. Smt. Swarnima Kulshreshtha & Anr." decided on 31.08.2018 has held that the revision petition is not maintainable against grant of interim maintenance.

7. From the perusal of the order, it is revealed that there is specific allegation with regard to commission of domestic violence, hence I am not inclined to entertain the revision petition.

8. The revision petition is, accordingly, rejected.

9. However, trial Court is directed to decide the main petition at the earliest.