

Devika Chopra vs.parvati Chopra

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Court : Delhi

Decided On : Jan-25-2019

Appellant : Devika Chopra

Respondent : Parvati Chopra

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: January 25, 2019 CRL.M.C. 389/2019 DEVIKA CHOPRA Through: Mr. Satish Aggarwala and Mr. Vinay Jaidka, AdvocatesPetitioner versus PARVATI CHOPRA Through: Nemo. CORAM: HON'BLE MR. JUSTICE SUNIL GAURRespondent

ORDER

(ORAL) Crl.M.A. 1685/2019 (Exemption) Allowed subject to all just exceptions. Crl.M.A. 1686/2019 (delay) There is delay of 78 days in re-filing the accompanying petition. For the reasons stated in the application, it is allowed and the delay is condoned. The application is disposed of. CRL.M.C. 389/2019 In proceedings under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as PWDV Act), trial court vide order of 16th May, 2016 has held that petition filed by respondent- applicant under the aforesaid enactment is maintainable and it is within the limitation, while observing that the last incident of domestic violence CRL.M.C. 389/2019 Page 1 of 2 is of 28th September, 2012 and petition under the PWDV Act had been filed on 3rd December, 2012. Vide order of 10th July, 2018 the Revisional Court has concurred with the view taken by the trial court. The challenge to impugned order by petitioners counsel is on the

ground that the complaint against petitioner, who is the sister-in-law of the complainant-respondent, is not maintainable as the complainant- respondent had moved out of the matrimonial home in the year 2009 and the instant complainant had been filed in the year 2012. It is also submitted that after having lost the civil proceedings in respect of the subject property, the instant complaint regarding the said property is not maintainable. Upon hearing and on perusal of the impugned order, I find no error in the impugned order requiring interference of this Court while invoking extraordinary inherent jurisdiction of this case under Section 482 of Cr.P.C as last incident of domestic violence is of September, 2012 and petition filed in December, 2012 is apparently within limitation. Accordingly, this petition is dismissed while not commenting on merits of the case. JANUARY25 2019 v (SUNIL GAUR) JUDGE CRL.M.C. 389/2019 Page 2 of 2

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