

2025:PHHC:058594



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.131

CRM-M-23575-2025 (O&M)

Date of decision : 05.05.2025

Renu

..... Petitioner

VERSUS

Sunny and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kushagra Beniwal, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

1. The present petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been filed for quashing of the impugned order dated 31.01.2025 (Annexure P5) passed by the learned Addl. Sessions Judge, Jind whereby a common order dated 31.01.2025 was passed in CRA-54-2021 dated 16.11.2021 titled as *Sunny etc. Vs. Renu* and CRA-68-2021 dated 30.11.2021 titled as *Renu Vs. Sunny etc.* whereby the appeal filed by the petitioner herein was dismissed and the appeal filed by the respondent herein was partly allowed against order dated 01.11.2021 passed by the learned JMIC/trial Court vide which the present petitioner was granted interim maintenance amounting to Rs.5,000/- per month.

2. Learned counsel for the petitioner *inter alia* submits that the learned Appellate Court has wrongly appreciated the fact that the matrimonial house in question in the present case was self-acquired property of the mother of respondent No.1, which was then transferred through Will in favour of her daughter, namely Sudesh after the mother of respondent No.1 passed away on 23.04.2021. Learned counsel submits that the learned JMIC, Jind had, vide impugned order dated 01.11.2021 granted the petitioner herein an interim maintenance amount of Rs.5,000/- and had also directed the accused-respondents not to dispossess the petitioner and her children from the matrimonial home till final decision of the application

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under Section 12 of the DV Act. However, the learned Appellate Court of ASJ, Jind, while wrongly placing reliance on the judgment of the Hon'ble Supreme Court passed in **S.R. Batra Vs. Taruna Batra (2007) SCC 169**, held that the house in question had become a self-acquired property of Sudesh (sister-in-law of the petitioner) and therefore, it was not covered under the definition of shared household. Learned counsel submits that the interpretation of 'shared household' made in the judgment of **S.R. Batra (supra)** has been overruled by the Hon'ble Supreme Court in **Satish Chander Ahuja Vs. Sneha Ahuja, 2020 SCC Online SC 841**, whereby it was held that the "64....the respondent in a proceeding under DV Act can be any relative of the husband. In relationship the woman has lived, the conditions mentioned in Section 2(s) are satisfied and the said house will become a shared household...."

3. Heard.

4. Without commenting on the merits of the case and in view of the submissions made by learned counsel for the petitioner, this Court deems it appropriate to remand back this case to learned Appellate Court concerned to pass a fresh order considering the ratio in judgment in **Satish Chander Ahja Vs. Sneha Ahuja, 2020 SCC online SC 841**.

5. The petition stands disposed of.

(KIRTI SINGH)
JUDGE

05.05.2025

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No