



CR-5158-2024 (O&M)

-1-

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

(119)

CR-5158-2024 (O&M)
Date of decision:- 27.02.2025

Avinish Jain @ Avnish Jain @ Avneesh Jain @ Vicki ... **Petitioner**

Versus

Vandana Jain ... **Respondent**

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Piysh Kant Jain, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant revision petition filed under Article 227 of the Constitution of India, petitioner has approached this Court for setting aside impugned orders 26.04.2024 and 30.05.2024, Annexures P-9 and P-10, respectively, passed by the learned Judicial Magistrate 1st Class, Ludhiana in proceedings under Protection of Women from Domestic Violence Act, 2005.

2. In view of the judgment of the Division Bench of this Court in **Hemant Bhagat and others Versus Prekshi Sood Bhagat, 2025 (1) R.C.R. (Criminal) 24**, Mr. Sanjiv Gupta, counsel for the petitioner, seeks and is granted permission to withdraw the revision petition with liberty to take recourse to the remedy available to the petitioner in accordance with law. Mr. Gupta submits that by an interim order dated 06.09.2024 passed by this Court, impugned orders were stayed, subject to payment of Rs.25,000/- per month as interim rent for the residence of the respondent-wife. He states that the interim

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rent upto the month of January has been paid. He has handed over a cash amount of Rs.25,000/- to Mr. Piyush Kant Jain, Advocate and states that upto date payment has been made.

3. On the other hand, Mr. Jain has disputed the upto date payment. He submits that the petitioner is in arrears. By referring to the miscellaneous application, Mr. Jain submits that the respondent is entitled to litigation expenses also.

4. Be that as it may, without going into the question of arrears and litigation expenses, as the revision petition is not maintainable, petitioner is granted liberty to withdraw the petition with liberty to file a fresh one. Interim order passed by this Court on 06.09.2024 shall remain in operation till 15.03.2025, subject to the condition imposed therein.

5. It will be open to the respondent to move an appropriate application for litigation expenses etc., as and when a fresh petition is filed by the petitioner.

6. Petition is dismissed as withdrawn with liberty as aforesaid.

7. Pending applications shall stands disposed off.

(SUVIR SEHGAL)
JUDGE

27.02.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No