

**IN THE COURT OF MS. KIRAN GUPTA, METROPOLITAN MAGISTRATE,
MAHILA COURT,
CENTRAL DISTRICT, DELHI**

CC no. 593/6/09
PS Patel Nagar
U/s 12 of D.V. Act

Harpreet Kaurcomplainant

Vs.

Sh. Dilvinder Singh Bedirespondent

ORDER ON INTERIM APPLICATION

Vide this order, I shall dispose off the interim application filed by the complainant u/s 23(2) of D.V. Act filed along with the petition u/s 12 of D.V. Act. Brief Facts of the petition are stated as under:

The complainant was married with the respondent on 25.01.09 according to sikh rites and ceremonies and both of them resided together as husband and wife at matrimonial house bearing no. 2749/13, Ground Floor, Ranjit Nagar, New Delhi which is the house where they last resided together. It is stated that the respondent no. 1 is doing a job in Kingfisher airlines and earning Rs. 40,000 to Rs. 50,000/- per month and has no liability. The petitioner by way of present petition has prayed for esidence rights in the shared household bearing no. 2749/13, Ground floor, Ranjit Nagar, New Delhi or in the alternate accommodation or rent @ Rs. 4,000 to Rs. 5,000/- per month. She has further prayed for maintenance @ Rs. 15,000/- per month.

Detailed reply has been filed by the respondent no. 1 to 3 wherein the respondent has denied all the allegations as alleged in the petition and has stated that the complainant is working for the last 5 years at the auto parts show room namely Auto Emporium, Karol Bagh and getting salary of Rs. 20,000/- per month. It is further stated that respondent no. 1 is not working with Kingfisher Airlines at present.

Detailed rejoinder has been filed by the complainant wherein she has admitted that she worked in showroom as part time employee and draw salary below Rs. 7,000/- per month. She has further stated that since April 2010, she is regular job holder.

Complainant has denied all the allegations as alleged in the reply and has reiterated the entire facts as stated in the petition. Heard arguments on behalf of both the parties and perused the file.

During the arguments, it is submitted by the counsel for respondent that the respondent no. 1 is no more working with Kingfisher Airlines as he has been forcefully made to resign by the company due to the constant complaints made by the complainant. It is further argued that the alleged shared house hold is in the name of mother of the respondent no. 1. In support of his arguments, counsel has placed on record the copy of relinquishment deed and copy of e-mail in respect of job status of the respondent no.1. It is argued by the counsel for complainant that the complainant is doing a part time job and is earning very less. At this stage it is submitted that some amount may be granted to the complainant for the alternate accommodation or she may be allowed to reside in the shared house hold.

As per the relinquishment deed, the shared house hold is in the name of the mother in law of the complainant, hence in view of the law laid down in S.R. Batra Vs. Taruna Batra, the complainant has no right in the said shared house hold, accordingly her plea for right for residence in the shared house hold is dismissed. As regards the amount of maintenance, admittedly the complainant is doing a part time job and is earning certain amount which has not been disclosed in the petition, hence, since the complainant is already working, no amount of maintenance can be awarded to her. The respondent is stated to be unemployed at present and on the other hand, the complainant is working, hence the husband cannot be forced to pay the amount for the alternate accommodation for the complainant at this stage. The interim application is accordingly disposed off.

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