

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRL.M.P. No.25528 of 2012 in
Petition(s) for Special Leave to Appeal (Crl.) No.3916/2010

(From the judgement and order dated 22/03/2010 in CR.M.C. No.3959/2009, of
The HIGH COURT OF DELHI AT N. DELHI)

V.D.BHANOT

Petitioner(s)

VERSUS

SAVITA BHANOT

Respondent(s)

(For directions and office report)

Date: 07/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Jitendra Mohan Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Vibhor Vardhan, Adv.
Mr. Ajit Sharma, Adv.
Mr. S. Singh, Adv.

For Respondent(s) Respondent-In-Person

UPON hearing counsel the Court made the following
O R D E R

Criminal Miscellaneous Petition No.25528 of 2012 has been filed in SLP(Crl.) No.3916 of 2010 by the respondent-wife inter alia for a direction to allow her to stay in the joint family house/shared household/permanent matrimonial home at D-279, Nirman Vihar, Delhi-110 092.

In our order dated 07.02.2012 disposing of the aforesaid special leave petition filed by the husband, we had in paragraph (11) of the judgment directed that in terms of Section 19 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the PWD Act, 2005'), the petitioner was to provide a suitable portion of his residence to the respondent-wife, together with all necessary amenities to make such residential premises properly habitable for her, within 29th February, 2012.

It appears that the said arrangement has not proved successful and accordingly, despite the fact that such a direction had been given, the petitioner-husband offered to find alternative accommodation for the respondent-wife which she is not inclined to accept. We had given liberty to the parties to apply to this Court for further directions in case the said arrangement did not work.

Obviously, the said arrangement has failed and the applicant-wife now prays that she should be allowed to reside in the household of her parents-in-law.

Having heard the applicant-wife in person and the learned counsel for the petitioner-husband, we are convinced that having regard to the nature of the dispute between the parties, it would be only proper to resort to the provisions of Section 19(1)(f) of the PWD Act, 2005.

We, accordingly, dispose of CRL. M.P. No.25528 of 2012 by

directing the petitioner-husband to provide an alternative accommodation for the applicant-wife, suitable to her status and of the same level at which she had been enjoying in her shared household, as far as possible near her parents' residence. Such arrangement must be made by the petitioner-husband within the month of February, 2013. In the event, the petitioner-husband fails to provide such alternative accommodation, the applicant-wife would be entitled to arrange for an accommodation for herself, within the municipal limits of Delhi and the petitioner-husband shall make payment of the rent thereof regularly and without fail.

| (Sanjay Kumar)

Court Master |

(Juginder Kaur)

|Assistant Registrar |