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* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.MC No. 3325/2010

KAVERI Petitioner Through Ms. Uma, Advocate

versus

Neel Sagar & Anr. Respondents CORAM:

JUSTICE SHIV NARAYAN DHINGRA

O R D E R (ORAL)

% 25.10.2010

By the present petition under Article 227 of the Constitution of India read with Section 482 Cr.P.C. the petitioner has assailed an order dated 25th May, 2010 whereby appeal filed by the petitioner against an order dated 28th August, 2009 of learned MM was dismissed.

The relevant facts show that the petitioner had filed an application under Section 23 of Protection of Women from Domestic Violence Act seeking restraint order against the respondents and seeking direction to provide her residential accommodation and to pay sum of Rs.15000/- pm as interim maintenance. The respondents in this case were mother and brothers of the petitioner. The petitioner is an employed woman, has been working with Indian Airlines in store department and living separately from her brothers and mother admittedly since 2002; although the respondents alleged that she was living separately since 1999. Both the Courts below had come to the conclusion that interim relief either of separate residence or claiming amount from brothers or mother could not be granted in her favour under the Protection of Women from Domestic Violence Act since it was not the claim of the petitioner that she was not able to maintain herself rather she had claimed she had spent Rs.1 lac in construction of first floor of the house where respondents no. 1 & 2 were residing. The Courts below came to the conclusion that petitioner being employed and living separate and being a major having her own independent source of income was not entitled to relief. The facts that the petitioner is employed and has been living separate and leading an independent life are undisputed facts. I find no ground to interfere with the orders of the Courts below in petition under Article 227 of the Constitution of India. The petition is hereby dismissed. SHIV NARAYAN DHINGRA,J

OCTOBER 25, 2010

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