

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) No. 310/2024

...Appellant/Petitioner(s)

Through: Mr. S. N. Ratanpuri, Advocate with
Ms. Fiza Khursheed, Advocate

Vs.

...Respondent(s)

Through: Mr. Amir Hussain Khan, Advocate

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

22.07.2025

1. Setting aside of Order dated 08.08.2024 passed by the Court of Principal Sessions Judge, Budgam, (for short "*Appellate Court*") in File No.10/Appeal titled as and Another, and also Order dated 04.03.2024 passed by the Court of Judicial Magistrate 1st Class, Budgam (for short "*Trial Court*") on the application of respondent No.1, filed under the Protection of Women From Domestic Violence Act, 2005, is sought for.
2. Petitioner herein, although not a party to the proceedings initiated under Section 12 of the Protection of Women From Domestic Violence Act, 2005 (for short "*D.V. Act*"), filed an application for leave to file appeal, challenging the Trial Court order dated 04.03.2024. The Appellate court refused to grant leave to file appeal on the ground that petitioner herein does not fall within the definition of aggrieved person, who could avail the remedy of appeal under Section 29 of the Act.
3. Learned counsel for the petitioner submits that the petitioner being the mother-in-law of the victim of domestic violence, can file appeal under Section 29 as she would fall within the definition of aggrieved persons.
4. Definition of aggrieved person as laid down in Section 2(a) of the Act reads as under:-

"Aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent."

5. Admittedly, petitioner does not fall within the definition of aggrieved person, therefore, is not entitled to file appeal as she is neither the party before the Trial Court nor has order been passed against her.
6. It is being submitted by learned counsel for the respondents that the petitioner has also filed a separate petition under Section 12 of D.V. Act, against her son and daughter-in-law before the Trial Court, which is pending.
7. Learned counsel for the petitioner submits that petitioner would feel satisfied if liberty is given to her to approach the Trial Court with an application for impleading her as party.
8. Having regard to the submissions made by learned counsel for the petitioner, this petition is disposed of by providing that in case petitioner approaches the Trial Court with an application for impleading her as party, the Trial Court, after seeking objections, shall consider and decide it and pass appropriate orders, strictly in accordance with the provisions of law.
9. **Disposed of** as above.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR

22.07.2025

Manzoor