

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**CM(M) No. 221/2024
CM No. 5592/2024**

Zahir Abas and othersAppellant(s)/Petitioner(s)

Through: Mr. Haroon Rashid Qureshi, Advocate.

vs

Shazia Begum and others Respondent(s)

Through: None.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

**ORDER
30.09.2024**

ORAL

1. The petitioners have invoked the supervisory jurisdiction of this Court vested under Article 227 of the Constitution of the India for the purpose of assailing the proceedings in the application filed by the respondents under Section 12 of Protection of Women from Domestic Violence Act (for short the Act) titled "*Shazia Begum and others Vs. Zaheer Abbas and others*" pending before the court of learned Judicial Magistrate 1st Class, Mendhar. Simultaneously, the petitioners have also impugned the order dated 02.08.2024 by virtue of which, the petitioner No. 1 has been directed to pay interim maintenance to the tune of Rs. 5,000/- each to the respondents. The order impugned in this petition is an *ex parte* interim order.

2. It is contended by learned counsel for the petitioners that the petitioner Nos. 2 to 6 have been unnecessarily arrayed as respondents in the application filed by the respondents under Section 12 of the Act.
3. The petitioners have a remedy of approaching the court of learned Judicial Magistrate 1st Class, Mendhar to demonstrate that the petitioner Nos. 2 to 6 have been unnecessarily arrayed as respondents in the application filed by the respondents i.e. applicants in the application filed by them before the court of learned Judicial Magistrate 1st Class, Mendhar.
4. In view of this, the present petition is disposed of by directing the petitioners to raise all the issues raised by them in the present petition before the court of learned Judicial Magistrate 1st Class, Mendhar and in the event the petitioners approach the concerned court by submitting their response to the application filed by the respondents, the court of learned Judicial Magistrate 1st Class, Mendhar shall proceed in accordance with law.
5. At this Stage, learned counsel for the petitioners submits that the petitioner No. 1 is not a teacher by profession, whereas in the order impugned before this Court, it has been mentioned that the petitioner No. 1 is a teacher.
6. The petitioner No. 1 can take this plea in his reply to the application filed by the respondents by submitting before the court of learned Judicial Magistrate 1st Class, Mendhar that he is not a teacher by profession.

7. It is made clear that in the event the petitioners herein file their response on the next date of hearing before the court of learned Judicial Magistrate 1st Class, Mendhar, the learned Magistrate shall endeavour to dispose of the application as expeditiously as possible in accordance with the mandate of Protection of Women from Domestic Violence Act, 2005.

8. **Disposed of.**

(RAJNESH OSWAL)
JUDGE

Jammu
30.09.2024
Sahil Padha

Whether the order is speaking: Yes/No.
Whether the order is reportable: Yes/No.

