

Executions under DV Act

Sr. No.	Title	Citation	Question involved	Held
1	Shalu Ojha Vs Prashant Ojha	2014 (4) RCR (Civil) 815 (SC)	Executions under DV Act	Where maintenance is granted by magistrate u/s 20 of DV Act, on appeal to the court of session, the session court ought not stay the execution of maintenance order. Power to grant interim orders are not always inherent in every court.
2	Kanchan Vs. Vikramjeet Setiya	Crl. Misc. No.123/20 10 DOD 13.02.12 (RAJ)	Executions under DV Act	<p>Monetary relief is defined in Section 2 (k) of the Act. For execution of monetary order, passed u/s 12 petitioner has to apply u/s 20 of the Act. However, this provision is limited to person who may have accrued credit or is a salaried person. In case of self employed person, this provision will be of no help to petitioner. Section 125 has to be resorted to non compliance of order of monetary relief does not give rise to consequence of Section 31 of the Act.</p> <p>Direction: - all order of monetary relief under DV Act shall be executed in the manner provided u/s 125 Cr.P.C. but with modification that no formal application shall be required.</p>
3	Kanaka Raj Vs St. of Kerala and anr.	2010 Cr.L.J. (NOC) 447 (KERELA)	Executions under DV Act	Held – that only if the order passed by the Magistrate is a protection order or an interim protection order, the Magistrate can direct registration of case and investigate the same under Section 31 of the DV Act and even if award is passed by Lok Adalat unless made in terms of Section 18 of the DV Act, it cannot be a protection order or interim

				protection order and breach of it will not attract the offence u/s 31 of the DV Act.
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