2025:DHC:9456-DB

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment reserved on: 14.10.2025***
Judgment pronounced on: 30.10.2025

\+ RFA(OS) 64/2025, CM APPL. 64541/2025 and CM APPL. 64542/2025

. ....Appellant

Through: Mr. Prabhjit Jauhar, Ms. Shreya Narayan and Ms. Anupama Kaul, Advs.

versus

.....Respondent

Through: Ms. Preeti Singh, Mr. Sunklan Porwal, Ms. Anuradha Anand, Ms. Kirti Dhaiya, Ms. Sakshi Trivedi and Mr. Akshay Chabra, Advs.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

ANIL KSHETARPAL, J.

1. The issue that arises for consideration in the present Appeal is whether senior citizens are entitled to live peacefully with dignity in their own property, particularly when adequate steps have been taken to protect the Daughter-in-Law by the In-Laws?

2. The present Appeal assails the correctness of judgment dated 09.09.2025 [hereinafter referred to as "Impugned Judgment"] passed by the learned Single Judge in CS(OS) No. 606/2023, whereby the Respondents/Plaintiffs, who are the parents-in-law and senior citizens,

were granted a decree of mandatory injunction directing the Appellant/Defendant to vacate the property bearing No. GB 25, Shivaji Enclave, Tagore Garden, New Delhi [hereinafter referred to as "suit property"], while providing alternate accommodation to the Appellant in terms of Section 19(1)(f) of the Protection of Women from Domestic Violence Act, 2005 [hereinafter referred to as "PWDV Act"].

FACTUAL MATRIX

3. The factual matrix giving rise to the present Appeal is that the Respondents herein, who are the parents-in-law of the Appellant and senior citizens in the evening of their lives, instituted a suit being CS(OS) No. 606/2023 before the learned Single Judge of this Court seeking a decree of mandatory and permanent injunction in respect of the property bearing No. GB-25, Shivaji Enclave, Tagore Garden, New Delhi [hereinafter referred to as "the suit property"]. The Respondents averred that they were the absolute owners of the suit property, having purchased the same out of their own funds, and that the Appellant, being their daughter-in-law, had been permitted to reside therein purely out of love and affection, without any legal or proprietary rights accruing in her favour.

4. It was further the case of the Respondents that the matrimonial relationship between their son, *Mr.* , and the Appellant had become acrimonious, leading to frequent altercations, lodging of police complaints, and initiation of proceedings under the PWDV Act. The Respondents contended that the atmosphere within the house had

become toxic and unliveable, affecting their health, peace, and dignity as senior citizens. Despite the acrimony, they submitted before the learned Single Judge that they were willing to make alternate arrangements for the Appellant's residence in accordance with Section 19(1)(f) of the PWDV Act, so as to ensure that her rights were duly safeguarded even while they could live peacefully in their own home.

5. The Appellant, on the other hand, contested the maintainability of the suit on the ground that the suit property constituted her "shared household" within the meaning of Section 2(s) of the PWDV Act, and as such, she could not be evicted therefrom except in accordance with law. It was further pleaded that the Respondents' suit was not maintainable without impleading her husband, who, according to her, was a necessary and proper party to the proceedings, as he too resided in the same household. The Appellant further contended that the learned Single Judge could not have granted the relief of eviction without first determining the allegations of domestic violence pending adjudication before the competent Magistrate.

6. The learned Single Judge, after considering the pleadings, documentary record, and binding precedents, framed the central issue as to whether the owners of the property, who are senior citizens, could seek eviction of their daughter-in-law from their self-acquired property while ensuring that her right of residence under the PWDV Act was adequately protected. Relying extensively on ***Ambika Jain v. Ram Prakash Sharma***[1], and ***Madalsa Sood v. Maunicka Makkar***[2], as

[1] 2019 SCC OnLine Del 11656
[2] 2023 SCC OnLine Del 4183

affirmed by the Hon'ble Supreme Court in ***Satish Chandra Ahuja v. Sneha Ahuja***[3], the learned Single Judge held that the right of residence under Section 17 of the PWDV Act is not indefeasible, and that a civil court of competent jurisdiction is empowered to pass a decree of eviction or exclusion against an aggrieved woman, provided that suitable alternate accommodation is ensured in terms of Section 19(1)(f) of the PWDV Act.

7. In doing so, the learned Single Judge noted that the ownership of the Respondents over the suit property stood admitted by the Appellant. It was further observed that the house comprised of a single dwelling unit with common areas, kitchen, and staircase, rendering separate living arrangements within the same premises impracticable. Having considered the acrimonious relations between the parties and the multiple litigations pending between them, the learned Single Judge concluded that continued cohabitation was neither feasible nor conducive to the dignity and well-being of either side.

8. Consequently, the learned Single Judge decreed the suit in terms of prayer clause (A), directing the Appellant to vacate the suit property, while simultaneously directing the Respondents to provide her with a three-bedroom alternate accommodation on a plot of equal size, with rent up to Rs. 65,000/- per month and associated costs, in accordance with the parameters set out in paragraphs 30 to 38 of the Impugned Judgment. The learned Single Judge further safeguarded the Appellant's interests by providing that, in case of any default in payment of rent or breach of the undertaking by the Respondents, the

[3] (2021) 1 SCC 414

Appellant would be entitled to return to the suit property.

CONTENTIONS OF THE APPELLANT

9. Learned counsel for the Appellant assailed the Impugned Judgment primarily on the ground that the learned Single Judge erred in granting a decree of mandatory injunction directing the Appellant to vacate the suit property. It was contended that the suit property constitutes the "shared household" within the meaning of Section 2(s) of the PWDV Act, and that the Appellant, being the legally wedded wife of the Respondents' son, has a statutory right to reside therein which cannot be taken away by a civil court decree. Reliance was placed upon the judgment of the Hon'ble Supreme Court in ***Satish Chandra Ahuja*** (supra), to contend that the right of residence under Section 17 of the PWDV Act is independent of ownership and subsists so long as the marital relationship continues. Further reliance was placed upon ***S.R. Batra v. Taruna Batra***, (2007) 3 SCC 169, to argue that so long as the husband has a legal or beneficial interest in the property, it qualifies as a shared household under the Act.

10. It was further submitted that the learned Single Judge failed to appreciate that there was no clear admission made by the Appellant under Order XII Rule 6 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"], warranting a decree on admission. The Appellant consistently maintained that she resides lawfully in the suit property as her matrimonial home, and that no act of trespass or unlawful possession can be attributed to her. The grant of a decree of eviction on the basis of an alleged admission, according to counsel, is

contrary to settled principles of law.

11. Learned counsel next submitted that the proceedings before the learned Single Judge are vitiated by forum shopping on part of the Respondents. It was contended that the Respondent No. 2 (Mother-in-Law) had earlier instituted proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [hereinafter referred to as MWPSC Act] wherein her prayer for eviction of the Appellant had been declined. Subsequently, she again approached the learned Metropolitan Magistrate under the PWDV Act, seeking similar relief, which too was rejected. Having failed in both proceedings, the Respondents thereafter instituted the present civil suit for mandatory injunction, which, according to the Appellant, constitutes an abuse of process of law and an attempt to achieve through a civil court what was earlier denied under special statutes.

12. It was further urged that the learned Single Judge failed to appreciate that the Appellant has been residing in the suit property for over twenty-four (24) years, during which period the Respondents never raised any grievance or allegation of misconduct against her. It was contended that such a prolonged period of cohabitation establishes the status of the suit property as a shared household within the meaning of Section 2(s) of the PWDV Act, and the same could not be divested merely on account of subsequent matrimonial discord.

13. Learned counsel also submitted that the learned Single Judge erred in holding that the offer of alternate accommodation was sufficient to safeguard the Appellant's statutory right of residence. It

was contended that the right under Section 19(1)(f) of the PWDV Act is not a substitute for the shared household itself, but rather a discretionary measure to be invoked only where eviction is otherwise justified. According to the learned counsel, the order directing eviction coupled with an offer of alternate accommodation effectively nullifies the legislative intent of providing women with a secure right of residence in the matrimonial home.

14. It was further submitted that the alternate accommodation offered by the Respondents, on a rental basis at Rs. 65,000/- per month, is neither commensurate with the lifestyle and facilities enjoyed by the Appellant in the suit property, nor in conformity with the parameters set by the Hon'ble Supreme Court in ***Satish Chandra Ahuja*** (supra). It was argued that the learned Single Judge failed to take into account that the suit property comprises a four-bedroom duplex house with independent facilities, and that comparable accommodation in the same locality would command a rental value of not less than Rs. 1,30,000/- per month. The Appellant's claim to such equivalent accommodation, according to counsel, stems not from luxury but from parity of dignity and standard of living.

15. Lastly, it was urged that the learned Single Judge erred in concluding that separate living within the same premises was impracticable. It was contended that the basement or other portions of the suit property could have been suitably partitioned or adapted to secure separate residence, thereby avoiding eviction altogether. The decree directing the Appellant to vacate, it was argued, was therefore contrary to both the spirit and the letter of the PWDV Act, which is a

beneficial legislation intended to protect women from destitution and homelessness. It was submitted that while the Respondents' grievances as senior citizens may be genuine, they cannot override the Appellant's statutory right of residence in her matrimonial home, and the Impugned Judgment warrants interference by this Court.

CONTENTIONS OF THE RESPONDENTS

16. *Per contra*, learned counsel for the Respondents supported the Impugned Judgment and submitted that the same does not suffer from any infirmity warranting interference. It was contended that the Respondents are senior citizens in the evening of their lives and absolute owners of the suit property, having purchased the same out of their own funds. The Appellant, being their daughter-in-law, was permitted to reside in the suit property purely out of grace and familial affection, and not by virtue of any legal or proprietary entitlement.

17. It was further contended that the Respondents have been subjected to constant mental agony, humiliation, and disturbance on account of the hostile conduct of the Appellant, resulting in complete loss of peace and dignity within their home. It was pointed out that more than twenty-five (25) litigations are pending between the Appellant and her husband, and also between the Appellant and the Respondents, demonstrating the irretrievable breakdown of familial harmony. In such circumstances, it was argued, compelling the Respondents to continue sharing their residence with the Appellant would amount to denying them their right to live peacefully with dignity, which stands protected under Article 21 of the Constitution of

India as well as under the MWPSC Act.

18. Referring to the physical layout of the suit property, learned counsel submitted that the same comprises of a basement, ground and first floors forming a duplex unit internally connected by staircase, while the second floor stands let out to a tenant and is not in possession of either party. In view of the common areas, single kitchen and shared entry, it was submitted that any arrangement of separate residence within the same premises is impracticable and would only aggravate the acrimony.

19. Placing reliance upon paragraphs 27 to 32 of the Impugned Judgment, learned counsel drew attention to the fact that the Respondents, despite being aged and ailing, voluntarily offered to provide alternate accommodation to the Appellant in terms of Section 19(1)(f) of the PWDV Act. The learned Single Judge, while recording the said offer, assessed the prevailing market rental in the locality on the basis of e-rental platforms and fixed Rs. 65,000/- per month as the rental amount for an alternate accommodation of equivalent standing, besides directing the Respondents to bear all allied costs such as brokerage, maintenance, security deposit, and electricity and water charges. It was argued that the said directions fully safeguard the Appellant's right of residence while simultaneously enabling the Respondents to live peacefully in their own home.

20. Learned counsel emphasised that the concept of *shared household* under Section 2(s) of the PWDV Act cannot be interpreted as creating a permanent or proprietary right in favour of the daughter-

in-law. Reliance was placed on the three-Judge Bench decision of the Hon'ble Supreme Court in ***Satish Chandra Ahuja*** (supra), wherein it was held that the right of residence under Section 17 is a right of occupation and not of ownership, and that such right is subject to the availability of suitable alternate accommodation ensuring the aggrieved woman's safety and dignity. The Respondents contended that the Appellant's insistence on continuing in the same property under the guise of shared household is misconceived and contrary to the said judgment.

21. It was further submitted that the Appellant's claim that the offered accommodation must be identical in size and configuration to the suit property is untenable. The object of Section 19(1)(f) is to ensure that the woman is not rendered shelterless, not to confer a right to parity in opulence. The learned Single Judge rightly held that the alternate accommodation should be practical and commensurate with her present needs. Presently, the Appellant is residing alone as her daughter is settled abroad. Therefore, a two-bedroom flat in a comparable locality would be sufficient to meet her requirements, with an additional room available for her daughter whenever she visits India.

22. According to the Respondents, the Appellant's monthly maintenance is already being paid separately under independent proceedings, and the sum of Rs. 65,000/- per month, in addition to actual water, electricity, and maintenance charges, constitutes a generous and reasonable arrangement ensuring her comfort and dignity. It was urged that in the totality of facts, there is no violation

of her right under the PWDV Act, and the directions issued by the learned Single Judge strike a just and equitable balance between the competing rights of the parties.

23. Learned counsel concluded by submitting that the present Appeal is a continuation of the Appellant's persistent attempt to harass and humiliate the Respondents by prolonging litigation. The learned Single Judge, after considering the evidence and the conduct of the parties, has exercised judicial discretion in a fair and balanced manner. By providing comprehensive safeguards under Section 19(1)(f) of the PWDV Act, including a three-bedroom accommodation in the same vicinity with rent capped at Rs. 65,000/- per month and bearing all incidental charges, the learned Single Judge ensured that the Appellant's rights were protected, negating any allegation of arbitrariness or inequity.

FINDINGS & ANALYSIS

24. This Court has heard learned counsel for the parties at considerable length and perused the record, including the pleadings, documents, and the Impugned Judgment passed by the learned Single Judge. The pivotal question for determination, as framed in paragraph 1 of this judgment, is whether senior citizens, being the absolute owners of their self-acquired property, are entitled to live peacefully with dignity therein, particularly when adequate steps have been taken to protect the residential rights of the daughter-in-law under the PWDV Act.

25. The essential facts are not in dispute. The Respondents are the

undisputed owners of the suit property, having purchased it from their own funds, and the Appellant is the daughter-in-law, residing therein consequent upon her marriage to their son, Mr. The matrimonial relationship between the Appellant and her husband is admittedly strained, and multiple proceedings under the PWDV Act and other statutes are pending between them.

26. The suit property is a single building consisting of a basement, ground and first floors forming a duplex unit internally connected by a staircase, while the second floor stands let out to a tenant. The property is occupied by four members – father-in-law, mother-in-law (Respondents herein), and their son and daughter-in-law (Appellant herein). It is not in dispute that there exists severe matrimonial discord between the husband and the Appellant, resulting in multiplicity of proceedings, approximately twenty-five (25) cases, between various members of the family.

27. In such a situation, continued cohabitation of all family members under one roof, sharing common spaces such as kitchen, living areas, and entry, is wholly impracticable and inconsistent with peaceful and dignified living. The Respondents, being senior citizens in the twilight of their lives, cannot reasonably be expected to endure constant bickering and hostility within their own home. Their right to peace and dignity within their self-acquired property must be given due recognition and protection.

28. The Appellant's principal contention is that the suit property constitutes her "shared household" within the meaning of Section 2(s)

of the PWDV Act, and that her eviction therefrom violates her statutory right of residence under Section 17 of the PWDV Act. In support, reliance was placed on the judgment of the Hon'ble Supreme Court in ***Satish Chandra Ahuja*** (supra). However, the reliance is misplaced and the interpretation sought to be advanced is erroneous. The said judgment clarified that the right of residence conferred upon an aggrieved woman under the PWDV Act is a right of occupation, not ownership, and is not indefeasible. It is a statutory protection against destitution and must be balanced against competing rights of other stakeholders, including senior citizens who are owners in possession of the property. The judgment does not hold that the right of residence is perpetual or that the woman cannot be required to shift if suitable alternate accommodation is made available.

29. Order XII Rule 6 of the CPC enables the Court to pass a decree on the basis of admissions. In the present case, there is no dispute about the ownership of the Respondents/Plaintiffs. The only defence of the Appellant is with respect to the right of residence based on the concept of shared household as defined in the PWDV Act. Where the pleaded defence amounts essentially to a claim for residence contemplated under the PWDV Act and the owner's title is not disputed, the Court is entitled to examine whether a real and genuine triable issue subsists or whether the Plaintiff's entitlement to possession is *prima facie* unchallenged.

30. As already noticed, the concept of shared household is to protect destitute women from forcible eviction rendering them without shelter. It is essentially a right of occupation intended to prevent

homelessness until adequate alternative arrangements can be secured. It is not a proprietary right conferring indefeasible title; rather, it is a statutory right of residence which, in appropriate cases, may be secured by the provision of alternate accommodation under Section 19(1)(f).

31. In the present case, the Respondents have offered to make adequate alternative arrangements to allow the Appellant to reside peacefully without interference or disturbance and to obviate day-to-day unpleasant situations. That statutory right has been expressly safeguarded by ensuring that the Appellant will obtain alternative accommodation with rental up to Rs. 65,000/- per month, together with the Respondents' commitment to bear security deposit, brokerage, maintenance, electricity and water charges. The undertaking to make such provision is an important consideration in determining whether a genuine dispute as to possession exists for the purposes of Order XII Rule 6 of the CPC.

32. In these circumstances, having regard to the admitted title of the Plaintiffs, the architecture and internal connectivity of the suit property (single dwelling unit with common kitchen and access), the deep-seated acrimony between the parties, and the comprehensive safeguard of alternate accommodation proposed by the Respondents, this Court is of the view that there was no bona fide triable issue as to the Plaintiffs' prima facie entitlement to possession. Accordingly, the learned Single Judge rightly exercised powers under Order XII Rule 6 of the CPC to decree the matter, thereby securing a pragmatic outcome and ensuring the speedy and efficient administration of

justice.

33. Indeed, the Supreme Court in ***Satish Chandra Ahuja*** (supra) recognised that in cases where continued co-residence becomes impossible due to hostility or impracticality, the woman's right of residence can be secured through alternate accommodation in terms of Section 19(1)(f) of the Act. The test, therefore, is not whether she must remain in the very same building indefinitely, but whether her right to shelter and dignity is adequately protected in an alternative arrangement.

34. In the present case, the Respondents have not sought to render the Appellant shelterless. On the contrary, they have undertaken to provide her with independent accommodation by paying monthly rent of Rs. 65,000/-, along with electricity, water, maintenance, brokerage, and security deposit. The learned Single Judge found this offer to be fair, realistic, and consistent with prevailing market rents in the locality. Such arrangement, in the considered view of this Court, sufficiently safeguards the Appellant's right under Section 19(1)(f) of the PWDV Act.

35. The Appellant's contention that the alternate accommodation must be identical in size and configuration to the existing premises is misconceived. The PWDV Act does not guarantee parity of luxury, but adequacy of residence. The right of residence is meant to ensure safety and stability, not to perpetuate occupation of a large family home at the cost of the lawful owners.

36. As observed in ***Satish Chandra Ahuja*** (supra), "the concept of

shared household cannot be stretched to mean a right to reside in any particular premises irrespective of ownership or the surrounding circumstances." In the facts of the present case, the Appellant is presently residing alone; her adult daughter is settled abroad and visits India occasionally. A two-bedroom flat in a comparable locality, with one room for her and another for her daughter during visits, would adequately secure her residential needs.

37. While the learned Single Judge had observed that a three-bedroom flat would be appropriate, the essential rationale remains that the alternate accommodation should be practical and reasonable. Considering the present composition of the Appellant's household, this Court finds merit in the Respondents' submission that a two-bedroom flat would sufficiently meet the Appellant's requirements. The monthly rent of Rs. 65,000/-, together with payment of all allied charges, constitutes a fair and equitable arrangement.

38. The Appellant is already receiving separate maintenance under independent proceedings. When such maintenance is viewed cumulatively with the accommodation arrangement directed by the learned Single Judge, the overall protection afforded to her is more than adequate. Her statutory right of residence stands fully preserved, and her grievance of being rendered homeless is unfounded.

39. The larger principle that emerges is that the right of residence under the PWDV Act is not absolute or permanent; it is a right of protection, not possession. Equally, the right of senior citizens to live peacefully with dignity in their own property is not subordinate to this

statutory protection. Where both sets of rights intersect, the Court must strike a delicate balance so that neither party's dignity nor security is compromised.

40. In the present circumstances, the Respondents have acted fairly by offering alternate residence to the Appellant at their own cost. The continued cohabitation of the parties under one roof, given their strained relations and pending litigations, would only perpetuate hostility and deprive the senior citizens of the peace they are entitled to enjoy. The arrangement directed by the learned Single Judge achieves a fair equilibrium and warrants no interference.

CONCLUSION & OPERATIVE DIRECTIONS

41. Having regard to the foregoing discussion, this Court is satisfied that the learned Single Judge has correctly appreciated the legal position and the equities between the parties. The impugned directions, providing the Appellant with alternate accommodation at the cost of the Respondents while directing her to vacate the suit property, are consistent with both the spirit and the letter of the PWDV Act, and do not suffer from any legal infirmity warranting interference in Appeal.

42. For clarity and to ensure that the arrangement remains pragmatic and equitable, it is clarified that the alternate accommodation to be provided to the Appellant shall be a two-bedroom flat in a locality reasonably comparable to that of the suit property. The Respondents shall bear the rent up to Rs. 65,000/- per month, in addition to paying the security deposit, maintenance,

brokerage, electricity, and water charges directly to the landlord or service providers, as applicable.

43. The alternate accommodation shall be identified and offered to the Appellant within four weeks from the date of this judgment. Upon such offer being made, the Appellant shall, within two weeks, vacate the suit property and hand over peaceful possession thereof to the Respondents.

44. While the PWDV Act confers a vital and protective right of residence upon an aggrieved woman, it cannot be construed to extinguish or indefinitely suspend the right of senior citizens to live without distress in their own home. The law must operate in a manner that preserves both safety and serenity, particularly in cases where multiple generations coexist under the same roof, and familial relationships have irretrievably broken down.

45. In view of the above, the Appeal, along with the pending applications, stands dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 30, 2025
s.godara/pal