



§~

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

*Date of Decision: 09<sup>th</sup> September, 2025*

+ CS(OS) 606/2023 & I.A. 19275/2023 I.A. 19277/2023 I.A. 41710/2024  
I.A. 44779/2024 I.A. 3112/2025 I.A. 8349/2025 I.A. 8451/2025

NEELAM ARORA AND ANR .....Plaintiffs

Through: Ms. Preeti Singh with Mr. Sunklan  
Porwal, Ms. Aditi Aggarwal, Mr.  
Akshay Chhabra, Ms. Anuradha  
Anand, Ms. Sakshi Trivedi, and Ms.  
Ayushi Kumari, Advs.

versus

MANJU ARORA .....Defendant

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

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

%

**J U D G M E N T**

**MANMEET PRITAM SINGH ARORA, J:**

**I.A. 44779 of 2024 (Under Order XII Rule 6 CPC)**

1. This is an application filed by the Plaintiffs under Order XII Rule 6 Code of Civil Procedure, 1908 ('CPC') seeking judgement on admissions qua the relief of eviction.

2. The suit has been filed by the Plaintiffs, who are the mother-in-law and father-in-law, against the Defendant, who is the daughter-in-law, seeking mandatory injunction directing the Defendant to vacate the property bearing



GB 25, Shivaji Enclave, Tagore Garden, New Delhi-110027 ('suit property').

3. The present suit was earlier filed before the Ld. Judge, Family Courts, Tis Hazari Courts, Delhi on the ground that the subject matter of the present suit is a family dispute. However, vide order dated 14.09.2023 in T.P. (C) 132 of 2023, passed by the coordinate Bench of this Court, the suit was transferred from Family Court, Tis Hazari Courts to this Court, and therefore, maintainability of this suit is no longer in dispute.

4. Plaintiffs are a senior citizen couple aged about 73 and 76 years respectively and are seeking eviction against the Defendant from the suit property, asserting their ownership on the suit property through a perpetual lease deed executed in favour of the Plaintiff No. 2<sup>1</sup>. Plaintiffs accuse the Defendant of subjecting them to extreme harassment and cruelty. It is stated that the Plaintiffs find themselves living under constant threat due to the Defendant's violent and intimidating behaviour.

**Brief facts as stated in the plaint**

5. Brief facts stated in the plaint are as under:

5.1 It is averred that Plaintiffs, have faced relentless mental and physical abuse since their son, Sachin Arora, married the Defendant on 04.12.1998. It is stated in the plaint that the Plaintiffs and Defendant have stayed together in the suit property since 1998 and are till date residing together in the suit property.

5.2 The Defendant quickly after the marriage began to exhibit abusive behaviour, subjecting the Plaintiffs to extreme mental cruelty, intimidation, and financial exploitation, knowing they were in poor health. On 15.07.2000,

---

<sup>1</sup> Annexed as document 'Annexure P-1' filed along with the plaint.



the Defendant gave birth to her daughter, however, it is stated that the Defendant neglected her responsibilities as a mother, causing the Plaintiffs to care for the infant frequently, taking on more household duties.

5.3 It is averred that, over the years, the Defendant's aggression escalated, involving verbal insults, threats of violence, and physical attacks, which included severe incidents like pushing, shoving, and even assault with objects. She often demanded money from the Plaintiffs and showed no regard for their well-being, neglecting household responsibilities while coercing them into compliance with her demands.

5.4 It is averred that the Defendant throughout the marriage has been extremely extortionist towards the Plaintiffs. Initially, Plaintiff No. 2 tried to fulfil all the monetary demands put forth by the Defendant but subsequently the demands increased in an aggravated manner; and when the Plaintiff No. 2 denied fulfilling these aggravated demands, the Defendant started showing her annoyance and aggression like a maniac. It is also stated that, the Defendant's family members started crashing at the house of the Plaintiffs every now and then, to criminally intimidate them to fulfil their demands.

5.5 After lot of such instances, the first police complaint was filed by Plaintiff No. 1 before the SHO, P.S. Rajouri Garden on 03.10.2020. The Defendant allegedly attempted to murder Plaintiff No. 1, prompting her to file a complaint against the Defendant on 23.06.2022, under the Protection of Women from Domestic Violence Act, 2005 ('PWDV Act'). Following this, on 06.07.2022, a protection order was issued in favor of Plaintiff No. 1, which prohibited the Defendant from unlawfully evicting her from their shared household and mandated that Defendant refrains from contacting Plaintiff No. 1 or committing any acts of domestic violence until the next hearing.



5.6 Despite several attempts to seek help, including filing complaints under the PWDV Act, the Defendant continued the harassment. A protection order was issued restraining her from further abuse, yet she persisted with intimidation tactics and instigating conflict within the household. The Plaintiffs reported numerous incidents of violence, including an outrageous event where the Defendant brought unknown individuals into their home, exacerbating their fears.

5.7 It is averred that the Defendant has no intention of residing with her husband or in-laws in the matrimonial home, as she has filed for divorce from the Plaintiffs' son in the Court of Ld. MM, Tis Hazari Courts titled as 'Manju Arora v. Sachin Arora'. And therefore, her sole motive for occupying the suit property appears to be to harass the Plaintiffs and their son, ultimately seeking to unlawfully claim the property and inflict financial harm on the Plaintiffs in the fag end of their lives.

5.8 It is stated that as a counterblast to Plaintiff No. 1's complaint in PWDV Act, the Defendant filed her own domestic violence complaint, under Section 12 of the PWDV Act titled as 'Manju Arora v. Sachin Arora & Ors.', MC No. 565 of 2022. On 30.07.2022, she obtained an order under the PWDV Act based on fabricated claims and unfounded allegations against the Plaintiffs and their son, preventing them from evicting her from the shared household without proper legal procedures.

5.9 Due to the continuous atrocities committed by the Defendant against the Plaintiffs, despite the protection order issued on 06.07.2022, Plaintiff No. 1 felt compelled to pursue the eviction of the Defendant under her PWDV



complaint. However, on 15.09.2022<sup>2</sup>, the Ld. MM dismissed Plaintiff No. 1's application for interim relief under Section 19(1)(b) of the PWDV Act, which would have directed the Defendant to vacate the shared household. The Ld. MM noted the importance of protecting the Defendant's right of residence under the proviso of Section 19(1), which states, "Provided that no order under Clause (b) shall be passed against any person who is a woman". Nevertheless, the Ld. MM observed that the Plaintiffs could seek eviction through a separate civil suit in the Family Court. Consequently, the Plaintiffs have filed the present suit.

5.10 It is stated that the Plaintiff No. 1 has filed a writ petition titled 'Neelam Arora v. Union of India.', W.P.(C) 17508 of 2022 in this Court. In this petition, Plaintiff No. 1 challenges the constitutionality of the Proviso to Section 19(1) of the PWDV Act, which ensures that women cannot be compelled to leave the shared household, even for their own protection. The Coordinate Bench of this Court, by order dated 21.12.2022, issued a notice to the Union of India, the National Commission for Women, and the Defendant herein.

5.11 It is stated that in 2023 the Defendant intentionally struck Plaintiff No. 1 with a 'Danda', causing severe head injuries and significant blood loss. The Plaintiffs' son was called to rush Plaintiff No. 1 to multiple hospitals for treatment, leading to an MLC being conducted due to her serious condition. On the same day, the Defendant fled to a neighbour's house known for supporting her harassment of the Plaintiffs. An FIR (No. 365 of 2023)<sup>3</sup> was

---

<sup>2</sup> Copy of the order dated 15.09.2022 is annexed as document 'Annexure P-13'.

<sup>3</sup> Copies of the MLC, FIR and photographic evidence of the injuries are annexed as document 'Annexure P-19'.



filed against the Defendant at PS Rajouri Garden, and Plaintiff No. 1 was hospitalized in ICU for two days before being discharged on 24.05.2023.

5.12 The Plaintiffs alleged that on 02.06.2023, the Defendant, with malicious intent, allowed unknown women, including a criminally notorious stranger, to trespass and stay in their house, using common areas and intimidating them. Despite repeated complaints to the SHO, P.S. Rajouri Garden on 02.06.2023 and 03.06.2023, no police action was taken. The Plaintiffs claim that thereafter, a cycle of daily trespassers continued, forcing Plaintiffs to confine themselves to their room in fear for their life and liberty. Cross-FIRs were also lodged by both parties regarding theft incidents in July 2023. Aggrieved by persistent harassment and police inaction, the Plaintiffs filed W.P. (Crl.) No. 1750/2023 before this Hon'ble Court, where a status report has been called for.

5.13 The Plaintiffs stated that on 14.10.2023 they learnt of an FIR lodged by the Defendant alleging sexual harassment by Plaintiff No. 2 on 22.05.2023, falsely claiming CCTV evidence despite having herself stolen the DVR when Plaintiff No. 1 was hospitalized. The Defendant is also alleged to have conspired with neighbours residing at House No. GB-26, by installing a CCTV camera facing the Plaintiffs' entrance, to harass them.

5.14 It is stated that Defendant further disrupts the Plaintiffs' daily prayers by creating commotion and has physically pushed their son on several occasions.

**Submissions on behalf of the counsel for the Plaintiffs**

6. Ms. Preeti Singh, learned counsel for the Plaintiffs stated that the Defendant does not dispute the Plaintiff No. 2's ownership of the suit property but claims the property as her shared household, seeking protection under



domestic violence laws to resist eviction.

6.1 She states that Plaintiff No. 2 is the sole and exclusive owner of the suit property and the Defendant has not challenged the said ownership.

6.2 She stated that the Defendant has raised three main defences:

- a. The Defendant argues that the property constitutes her shared household as per PWDV Act, implying she cannot be evicted without appropriate legal procedure.
- b. The Defendant cites a protection order dated 30.07.2022 granted by the Ld. MM, that restrains the Plaintiffs from dispossessing her without due process.
- c. The Defendant contends that the eviction suit is a retaliatory measure against ongoing litigations initiated by her.

6.3 She stated that the present suit is maintainable and is in consonance with Sections 17 and 19(1)(f) of the PWDV Act. The Defendant's plea that the property is a shared household is untenable, as the Act does not confer any proprietary or indefeasible rights, but only protects residence subject to due legal process, as clarified in **Madalsa Sood v. Maunicka Makkar**<sup>4</sup> and **Satish Chander Ahuja v. State**<sup>5</sup>. She states that the PWDV Act is meant to serve as a shield, not as a sword, yet the Defendant has misused it to harass the Plaintiffs through frivolous litigation. She states that further, Section 19(1)(f) of the PWDV Act provides for alternate accommodation or rent in suitable circumstances, and the aggrieved person cannot insist on residing in a specific property if alternative arrangements are being offered by the lawful owner.

---

<sup>4</sup> 2021 SCC OnLine Del 5217

<sup>5</sup> (2021) 1 SCC 414



6.4 She stated that the tension between the parties is heightened by the accumulation of over twenty-five (25) litigations and serious allegations of abuse and harassment originating from the Defendant. The Plaintiffs, both of old age, have suffered greatly from the ongoing conflicts, experiencing physical and emotional distress.

6.5 She stated that Defendant has no intention of continuing her matrimonial relationship with the Plaintiffs' son, as is evident from her divorce petition filed before the Family Court, Tis Hazari, Delhi. She stated that upon dissolution of marriage, her right to residence in the suit property would automatically cease, since such right flows only from a subsisting domestic relationship. Meanwhile, the Plaintiffs themselves are aged and ailing—Plaintiff No. 1, a 73-year-old lady, suffers from depression and severe spinal disc pain aggravated by prolonged medication, while Plaintiff No. 2 recently survived a heart attack and is now in a weakened condition (supported by medical documents dated 15.03.2025). The burden of ongoing litigation has further deteriorated their physical and mental health. Moreover, a Coordinate Bench of this Court in W.P.(Crl.) 1750/2023 vide order dated 18.07.2023, has already recorded the existence of long-standing deep-rooted acrimony between the parties, thereby reinforcing the untenability of the Defendant's continued residence in the suit property.

6.6 She states that the Plaintiffs, in compliance with Section 19(1)(f) of the PWDV Act, have expressed their readiness to provide alternate accommodation to the Defendant, which aims to balance the rights of the owner/parents-in-law with those of the daughter-in-law, as clarified in **Madalsa Sood v. Maunicka Makkar** (supra). However, the Defendant has



unreasonably refused this offer<sup>6</sup>, despite simultaneously alleging cruelty and harassment at the hands of the Plaintiffs and their son.

6.7 She stated that the suit property comprises a basement, ground floor, and two upper floors with a common kitchen on the ground floor, no separate kitchen on the first floor, and the second floor rented out to a tenant for the Plaintiffs' livelihood; access to all floors is through a single winding staircase, making it structurally and practically impossible to allot any portion to the Defendant on an exclusive basis without interference in the Plaintiffs' residence. She stated that given Defendant's past conduct of defaming and humiliating the Plaintiffs before neighbours, they reasonably apprehend that her continued presence in the house, even on a separate floor, would lead to further disturbances and conspiracies with outsiders. She stated that therefore, an alternate accommodation is the only practical and fair solution in the present circumstances.

6.8 She stated that the Court's previous judgments align closely with the Plaintiffs' claims for eviction, and the Defendant's defenses, while substantial, may not provide sufficient ground to obstruct a legal eviction, especially considering the lengthy and fractious history of disputes that point towards a toxic living environment for the aging Plaintiffs.

6.9 She places reliance on the following judgments:

- a. **Satish Chander Ahuja V. Sneha Ahuja**<sup>7</sup> (supra) specifies that the procedure for eviction can be carried out under the law, emphasizing that a suit like the one at hand is maintainable despite the PWDV Act's provisions. The ruling establishes precedent for the

---

<sup>6</sup> As recorded in order dated 15.09.2022 before the Ld. MM (at para 7), Annexure P-11

<sup>7</sup> At paragraphs 114, 124, 127.



adjudication of such eviction claims separate from the husband's involvement, further reinforcing the Plaintiffs' legal standing.

- b. **Prabha Tyagi Vs. Kamlesh Devi**<sup>8</sup>, while acknowledging the protective measures granted to aggrieved persons, ultimately supports the Plaintiffs by affirming that legal eviction can occur in accordance with the law and that the right to residence does not entail protection from eviction under all circumstances.
- c. **Madalsa Sood Vs. Maunicka Makkar**<sup>9</sup> (supra) clarifies that the existence of a shared household does not confer absolute rights against eviction for the property owner. It further states that eviction can proceed if the owner seeks it and if the circumstances justify such action, thereby supporting the Plaintiffs' eviction claim.

6.10 She states that as the situation worsened, the Plaintiffs have faced continuous harassment and suffering, forcing them to approach the Court for protection and relief in their old age. She argued that the Defendant's ongoing presence in the house poses a significant threat to their safety and peace, with the Plaintiffs asserting their right to live free from abuse in their own home.

#### **Submissions on behalf of the counsel for the Defendant**

7. Mr. Prabhjit Jauhar, learned counsel for the Defendant, sets up the Defendant's case as under: -

7.1 The Defendant married the Plaintiffs' son on 04.12.1998 and has been residing in the suit property since then. This property, being her 'shared household', gives her a statutory right of residence under Section 17 of PWDV Act, as affirmed by the Supreme Court in **Satish Chandra Ahuja v.**

---

<sup>8</sup> (2022) 8 SCC 90 [paragraphs 46, and 51]

<sup>9</sup> At paragraphs 8, 7, 10, 14, 16, 17, 19, 21 and 24.



**Sneha Ahuja** (supra) and **Prabha Tyagi v. Kamlesh Devi** (supra). Defendant asserts that this right is independent of Plaintiff No. 2's ownership.

7.2 It is further pointed out that the Defendant has already filed a Domestic Violence complaint (M.C. No. 565/2022) before the Tis Hazari Courts, where orders have been passed restraining the Plaintiffs from dispossessing her and permitting her use of common areas. The Plaintiffs, however, have filed multiple litigations—including complaints under the PWDV Act, Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ('Senior Citizens Act, 2007'), and a writ petition W.P. (Crl.) No. 1750/2023—allegedly to harass and intimidate Defendant to vacate the house.

7.3 He stated that the suit property is a 'shared household' under PWDV Act. The Defendant has resided here since her marriage in December 1998. For over 26 years, the Defendant lived in the property without prior complaints from the Plaintiffs or her husband regarding her behaviour until a dispute arose following the husband's alleged adultery.

7.4 On 29.04.2022, the Defendant's husband stayed with his paramour and her daughter at Fairmont Hotel, Jaipur, which establish his adulterous relationship. Consequently, on 24.05.2022, the Defendant issued a legal notice to her husband seeking amicable resolution, wherein she explicitly mentioned the factum of adultery. A reply was sent by her husband on 30.05.2022. Thereafter, on 07.06.2022, aggrieved by her husband's acts of adultery and cruelty, the Defendant filed a divorce petition before the Ld. Family Court in Tis Hazari, Delhi titled as 'Manju Arora v. Sachin Arora' bearing HMA No. 1724/2022, also seeking production of documents concerning his stay with his paramour and minor child at Fairmont Hotel, Jaipur.



Subsequently, on 23.06.2022, when the Plaintiffs allegedly attempted to dispossess the Defendant from the shared household and, in collusion with their son, perpetuated further wrongful acts, the Defendant filed a petition under the PWDV Act before the Mahila Court, Tis Hazari, Delhi.

7.5 On 30.06.2022, the Plaintiffs, as a countermeasure, instituted proceedings under the Senior Citizens Act, 2007 before the Maintenance Tribunal, District West Delhi, seeking eviction of the Defendant from the shared household. Subsequently, on 06.07.2022, Plaintiff No. 1 also filed a complaint under the PWDV Act before the Mahila Court, Tis Hazari, specifically seeking the removal of the Defendant from the shared household.

7.6 On 10.08.2022, the Maintenance Tribunal passed an interim order directing that the Defendant, Manju Arora, shall not enter the rooms of the Plaintiffs, and further directed both parties to install CCTV cameras with video recorders in the common areas of the house. The main eviction petition filed by the Plaintiffs remains pending before the Maintenance Tribunal.

Thereafter, on 15.11.2022, the DV Court permitted the Defendant to use the common shared household without any restrictions from family members and granted her the right to seek assistance from the Police or the Protection Officer to enforce her residency rights, earlier secured by order dated 30.07.2022.

Subsequently, on 14.12.2022, in the divorce proceedings filed by the Defendant, the Ld. Family Court directed Hotel Fairmont, Jaipur, to produce all documents concerning reservation details, payment records, and ID proofs pertaining to Room No. 219 for the period 29.04.2022 to 01.05.2022, reflecting the stay of the Defendant's husband at the said Hotel, and to submit the same in a sealed cover before the Court.



7.7 He stated that adequate accommodation already exists within the 400 sq. yd. suit property, comprising three built-up floors, where the in-laws reside on the ground floor, the Defendant and her husband on the first floor, and the second floor remains vacant with no tenant at present. A separate kitchen can be installed on the first floor to enable peaceful co-existence, but the Plaintiffs have dismantled it in an attempt to oust her from the shared household. He contended that the Plaintiffs' plea of providing alternative accommodation is a mala fide attempt to deprive Defendant of her statutory right of residence, especially when neither the Plaintiffs nor her husband have paid regular maintenance in the DV proceedings, compelling her to initiate execution proceedings for arrears exceeding Rs. 13 lakhs. Given the high rental value of similar properties in the locality and the lifestyle and amenities she has long enjoyed, the Defendant cannot be left without suitable shelter.

7.8 He stated that it is an admitted position that the Defendant has been residing in the shared household i.e., the suit property along with the Plaintiffs and her husband for more than 26 years. Though the Plaintiffs are not seeking any relief of eviction against the husband of the Defendant, and therefore he may not be a necessary party, his presence is that of a proper party since he continues to reside in the suit property. He relies on **Satish Chander Ahuja v. Sneha Ahuja** (supra) stating that the judgment has clarified that while the husband may not be a necessary party, he is a proper party in such cases, as issues of residence, alternate accommodation, and maintenance obligations are directly connected with him. He stated that, accordingly, in the present matter, the husband of the Defendant ought to be impleaded as a proper party, and the suit cannot be short-circuited by invoking Order XII Rule 6 CPC without a trial on the Defendant's plea of domestic violence against her



husband and in-laws.

7.9 It is averred that the suit property is Defendant's shared household within the meaning of the PWDV Act, and she cannot be removed therefrom except in accordance with due process of law. A decree of mandatory injunction without affording her an opportunity to lead evidence on the issues of domestic violence—whether mental, physical, or arising from her husband's adulterous conduct—would nullify her statutory right of residence guaranteed under Sections 17(1) and 19 of the PWDV Act. The Defendant had first filed a divorce petition on 07.06.2022 on grounds of adultery, and thereafter, facing threats of dispossession, filed a DV case on 23.06.2022. In response, the Plaintiffs filed eviction proceedings under the Senior Citizens Act on 30.06.2022 and a DV complaint on 06.07.2022.

However, the Mahila Court, by order dated 30.07.2022, granted the Defendant protection from dispossession from the shared household, which remains in force.

The present suit was instituted by the Plaintiffs only on 19.01.2023, despite the fact that from the time of her marriage on 04.12.1998 until April 2022—a span of more than 24 years—no allegations of cruelty or threats to life and limb were ever raised against her. It is only after she filed proceedings alleging adultery against her husband that she has been vilified and her conduct portrayed as contumacious to justify her removal from the shared household.

7.10 The Defendant asserts that her right to remain in the shared household is protected under Sections 17 and 19 of the PWDV Act, which stipulates that women in domestic relationships cannot be evicted without due process. He argues that the Plaintiffs are leveraging legal processes as a retaliatory



measure against her domestic abuse claims, attempting to oust her from her long-term residence under the guise of eviction procedures.

7.11 He relied upon the following judgments to substantiate his arguments:

- a. **Satish Chander Ahuja Vs. Sneha Ahuja**<sup>10</sup> (supra) emphasizes that eviction cannot happen simply based on claims without substantial proof or evidence, supporting the notion that domestic violence claims must be heard in court.
- b. **Prabha Tyagi Vs. Kamlesh Devi**<sup>11</sup> (supra) reaffirms that a daughter-in-law has an independent right to reside in her husband's household, stating that this right exists regardless of ownership or other legal interests.
- c. **S. Vanitha Vs. Deputy Commissioner**<sup>12</sup> details that the statutory rights to a shared household cannot be easily overridden by summary eviction procedures, outlining the need for a full inquiry into allegations of domestic violence before reaching a conclusion.

7.12 He submitted that in light of the ongoing litigation, the Defendant has established a substantial basis for her right to reside in the Shared Household, mentioned in the PWDV Act. The Plaintiffs' attempts to evict her summarily are perceived as attempts to circumvent statutory protections meant to safeguard her rights, potentially leading to injustice.

7.13 He emphasizes that Defendant has an indefeasible right to reside in her matrimonial home as a daughter-in-law and that the Plaintiffs' attempt to evict her is nothing but *forum shopping* and misuse of process. The Defendant

---

<sup>10</sup> At paragraphs 67, 68, 98, 99, 100, 104, 110, 111, 112, 125, 142, 144, and 163.

<sup>11</sup> At paragraphs 33, 34, 35, 46, 49, 51, and 54.

<sup>12</sup> 2020 SCC OnLine SC 1023 [paragraph no. 25 and 37]



denies all allegations of violence, harassment, and misconduct attributed to her, asserting instead that she has been subjected to cruelty and domestic violence at the hands of the Plaintiffs and their son.

7.14 He submitted that the matter should proceed to trial to adjudicate these allegations comprehensively, allowing both parties an opportunity to present their evidence and assertions without prematurely denying the Defendant her legal rights.

#### **Findings and Analysis**

8. The Court has heard the learned counsel for the parties from time to time and has perused the record.

9. There are certain facts that seem to be not in dispute. Defendant is the daughter-in-law of the Plaintiffs. She has come into the suit property after her marriage to the son of the Plaintiffs on 04.12.1998. The Plaintiffs' son being the husband of Defendant has allegedly committed adultery in 2022, which has given rise to serious disputes between Defendant and her husband as well as the Plaintiffs herein.

10. As on 07.04.2025, there are 17 legal proceedings pending between the parties and are enlisted hereunder:

<b>Sr. No.</b>	<b>Particulars</b>
1.	Neelam Arora v. Manju Arora [MC No. 484/2022]
2.	Manju Arora v. Sachin Arora [HMA No. 1724/2022]
3.	Manju Arora v. Sachin Arora [MC No. 565 / 2022]
4.	Neelam Arora v. State of NCT of Delhi [CT Case No. 98/2023]
5.	Sachin Arora v. Manju Arora [CS SCJ No. 1861/2022]
6.	Neelam Arora v. UOI [WP (C) No. 17508/2022]



7.	Sachin Arora v. Manju Arora [SLP(C) No. 11643/2023 in CA No. 400/2024]
8.	Neelam Arora Vs State of NCT of Delhi [WP CrI. No. 1750/2023]
9.	Neelam Arora Vs Manju Arora [CS (OS) No. 606/2023]
10.	Neelam Arora Vs State of NCT of Delhi [CrI. MA No. 716/2024 in WP (CrI.) No. 3198/2023]
11.	State of NCT of Delhi Vs Manju Arora [CT Case No. 9272/2023]
12.	State of NCT Vs Prem Prakash Arora [CR Case No. 10845/2023]
13.	Manju Arora Vs Sachin Arora [CA No. 225/2024]
14.	Manju Arora Vs Sachin Arora [Ex. No. 54/2024]
15.	Manju Arora Vs Sachin Arora [MAT APP FC No. 331/2024]
16.	Sachin Arora Vs Manju Arora [MAT APP FC No. 21/2025]
17.	State Vs Sachin Arora [CR Case No. 6711 /2024]

11. In addition, the following F.I.Rs filed by the parties against each other are relevant:

- a. F.I.R. No. 366/2023 dated 23.05.2023 registered on the complaint of the Defendant against Plaintiff No. 2 under Sections 323, 341, 354, 506, 509, 34 of the Indian Penal Code, 1860 ('IPC') alleging sexual harassment.
- b. F.I.R. No. 365/2023 dated 22.05.2023 registered on the complaint of Plaintiff No. 1 against Defendant under Sections 323, 341, and 506 IPC alleging physical injuries at the hand of the Defendant, which led to Plaintiff No. 1 being hospitalized in the ICU for two nights.



12. The finding of the coordinate Bench in W.P. (Crl) 1750/2023 in order dated 18.07.2023 at paragraph 3 is also pertinent and reads as under:

“3. The petition is taken up for consideration today for the reason that after hearing the parties, this Court is convinced that there is deep rooted acrimony subsisting between the parties for a long time.”

13. Due to the escalation of disputes between the parties, the Maintenance Tribunal passed an Order on 10.08.2022 permitting the Plaintiffs to install CCTVs with video recorder in the common areas. Nine CCTV cameras have been installed by the Plaintiffs in pursuance thereto. The Defendant was also keen on having CCTV cameras installed and she was also granted permission by the Ld. ASJ, Tis Hazari Court vide Order dated 19.03.2025. The Defendant has installed the cameras with the assistance of the police. Pertinently, the Ld. ASJ while passing the order dated 19.03.2025 observed that installation of the cameras would be beneficial for the parties as it would compel them to behave cordially with each other. The relevant paragraph 21 reads as under:

“21. Respondents have already installed cameras in the common areas, as such, installation of cameras by the appellant would further ensure that both the parties remain in surveillance of cameras and hopefully the same would deter them from any unruly behaviour against each other. Installation of cameras at the behest of appellant with accessible DVR shall also secure the appellant and would avoid unnecessary confrontations, moreover, since the cameras are already installed as such, no prejudice shall be caused to the rights of respondents, if appellant is permitted to install the cameras in the common areas.”

14. The aforementioned facts show beyond reasonable doubt that the familial relationship between the Plaintiffs and Defendant has broken down. These parties are left with no love and respect for each other and are embroiled in bitter and vicious litigation against each other.



15. In the facts of this case, there can be no dispute that suit property is a shared household of Defendant within the meaning of Section 2(s) of the PWDV Act. However, the impossibility of the Plaintiffs and Defendant continuing to reside with each other under the same roof is evident ex-facie and this Court is of the opinion that it is detrimental to the mental and physical health of the parties. The separation of the residence of the parties is inevitable in such facts and since Plaintiff No. 2 is the owner of the house, the direction to the Defendant for vacating the house is the only option available to the Court.

16. The Defendant has alleged domestic violence by the Plaintiffs at the behest of their son, which are subject matter of trial in M.C. No. 565/2022 and the said allegation will be tested during trial of the said case. However, in the interregnum, having perused the allegations levelled by the parties against each other, this Court finds no reason to compel the Plaintiffs and Defendant to reside together. Defendant's right to residence under Section 17 and Section 19(1)(f) of PWDV Act can be secured in these proceedings itself while passing the final decree of eviction against the Defendant.

17. The submission of the Defendant, that the residence orders under Section 19(1)(f) of PWDV Act cannot be passed without trial on the allegations of cruelty and domestic violence, is without any legal basis and is contrary to the law settled by the Supreme Court and High Court.

18. Learned Single Judge of this Court in **Ambika Jain v. Ram Prakash Sharma and Another**<sup>13</sup> has categorically held that a suit for mandatory injunction/eviction by the owner of the shared household is maintainable

---

<sup>13</sup> 2019 SCC OnLine Del 11886



against the aggrieved women and further held that final order for eviction can be passed in such a suit by the Civil Court after making provision for suitable alternate accommodation for the aggrieved women. The relevant paragraph 56 of this Judgment reads as under:

“56. In these circumstances, the impugned judgments cannot be sustained and are accordingly set aside. The matters are remanded back to the trial Court for fresh adjudication in accordance with the directions given hereinbelow:

(i) At the first instance, in all cases where the respondent's son/the appellant's husband has not been impleaded, the trial Court shall direct his impleadment by invoking its suo motu powers under Order I Rule 10 CPC.

(ii) The trial Court will then consider whether the appellant had made any unambiguous admission about the respondent's ownership rights in respect of the suit premises; if she has and her only defence to being dispossessed therefrom is her right of residence under the DV Act, then the trial Court shall, before passing a decree of possession on the sole premise of ownership rights, ensure that in view of the subsisting rights of the appellant under the DV Act, she is provided with an alternate accommodation as per Section 19(1)(f) of the DV Act, which will continue to be provided to her till the subsistence of her matrimonial relationship.

(iii) In cases where the appellant specifically disputes the exclusive ownership rights of the respondents over the suit premises notwithstanding the title documents in their favour, the trial Court, while granting her an opportunity to lead evidence in support of her claim, will be entitled to pass interim orders on applications moved by the respondents, directing the appellant to vacate the suit premises subject to the provision of a suitable alternate accommodation to her under Section 19(1)(f) of the DV Act, which direction would also be subject to the final outcome of the suit.

(iv) While determining as to whether the appellant's husband or the in-laws bears the responsibility of providing such alternate accommodation to the appellant, if any, the trial Court may be guided by paragraph 46 of the decision in *Vinay Verma* (supra).



(v) The trial Court shall ensure that adequate safeguards are put in place to ensure that the direction for alternate accommodation is not rendered meaningless and that a shelter is duly secured for the appellant, during the subsistence of her matrimonial relationship.

(vi) This exercise of directing the appellant to vacate the suit premises by granting her alternate accommodation will be completed expeditiously and not later than 6 months from today.”

[Emphasis Supplied]

19. This Judgment i.e., **Ambika Jain v. Ram Prakash Sharma** (supra) was challenged before the Supreme Court, which led to the passing of the landmark Judgment **Satish Chandra Ahuja v. Sneha Ahuja** (supra), wherein the Supreme Court expressly upheld the directions at serial no. (ii) to (vi) issued by the learned Single Judge at paragraph 56 of its judgment. The relevant paragraph 90 of the judgment of the Supreme Court reads as under:

“90. Before we close our discussion on Section 2(s), we need to observe that the right to residence under Section 19 is not an infeasible right of residence in shared household especially when the daughter-in-law is pitted against aged father-in-law and mother-in-law. The senior citizens in the evening of their life are also entitled to live peacefully not haunted by marital discord between their son and daughter-in-law. While granting relief both in application under Section 12 of Act, 2005 or in any civil proceedings, the Court has to balance the rights of both the parties. The directions issued by High court in paragraph 56 adequately balances the rights of both the parties.”

[Emphasis Supplied]

20. In **Satish Chandra Ahuja v. Sneha Ahuja** (supra) at paragraph 124, the Supreme Court recognized that a Civil Court while passing orders against the aggrieved women/defendant for exclusion and eviction from the shared household can pass orders contemplated under Section 19(1)(f) of the PWDV Act. In this judgment, the Supreme Court expressly upheld the finding of the



High Court that a suit for mandatory and permanent injunction by the owner of the shared household is maintainable against the aggrieved woman. The relevant paragraphs 113, 114, 117 and 124 are set out herein under:

“113. Section 17 of the Act has two sub-sections which engraft two independent rights. According to subsection (1) notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same. This right has been expressly granted to every woman in domestic relationship to fulfill the purpose and objective of the Act. Although under the statute regulating personal law the woman has right to maintenance, every wife has right of maintenance which may include right of residence, the right recognized by sub-section (1) of Section 17 is new and higher right conferred on every woman.

114. The right is to be implemented by an order under Section 19, on an application filed under sub-section (1) of Section 12. Sub-section (2) of Section 17, however, contains an exception in the right granted by sub-section (2), i.e., “save in accordance with the procedure established by law”. Sub-section (2) of Section 17, thus, contemplates that aggrieved person can be evicted or excluded from the shared household in accordance with the procedure established by law. What is the meaning and extent of expression “save in accordance with the procedure established by law” is a question which has come up for consideration in this appeal. Whether the suit filed by the plaintiff for mandatory and permanent injunction against the defendant in the Civil Court is covered by the expression “save in accordance with the procedure established by law”. We may further notice that the learned Magistrate while passing the interim order on 26.11.2016 in favour of the defendant on her application filed under Section 12 has directed that “the respondent shall not alienate the alleged shared household nor would they dispossess the complainant or their children from the same **without orders of a Competent Court**”. The Magistrate, thus, has provided that without the orders of Competent Court the applicant (respondent herein) should not be dispossessed. In the present case, interim order specifically contemplates that it is only by the order of the Competent Court respondent shall be dispossessed.

...



117. The right to reside in shared household as granted by Section 17 itself contemplates an exception in express words, i.e., “save in accordance with the procedure established by law”.

...

124. Drawing the analogy from the above case, we are of the opinion that the expression “save in accordance with the procedure established by law”, in Section 17(2) of the Act, 2005 contemplates the proceedings in court of competent jurisdiction. Thus, suit for mandatory and permanent injunction/eviction or possession by the owner of the property is maintainable before a Competent Court. We may further notice that in sub-section (2) the injunction is “shall not be evicted or excluded from the shared household save in accordance with procedure established by law”. Thus, the provision itself contemplates adopting of any procedure established by law by the respondent for eviction or exclusion of the aggrieved person from the shared household. Thus, in appropriate case, the competent court can decide the claim in a properly instituted suit by the owner as to whether the women need to be excluded or evicted from the shared household. One most common example for eviction and exclusion may be when the aggrieved person is provided same level of alternate accommodation or payment of rent as contemplated by Section 19 sub-section (f) itself. There may be cases where plaintiff can successfully prove before the Competent Court that the claim of plaintiff for eviction of respondent is accepted. We need not ponder for cases and circumstances where eviction or exclusion can be allowed or refused. It depends on facts of each case for which no further discussion is necessary in the facts of the present case. The High Court in the impugned judgment has also expressed opinion that suit filed by the plaintiff cannot be held to be non-maintainable with which conclusion we are in agreement.

[Emphasis Supplied]

21. Another Single Judge of this Court in **Madalsa Sood v. Maunicka Makkar** (supra) after considering the aforesaid judgments categorically held that a suit for eviction is maintainable and in the facts of the said case proceeded to grant a decree for possession in favour of the plaintiffs’ therein. The relevant paragraph 19 reads as under:



“19. Thus, it is clear that even where a residence is clearly a shared household, it does not bar the owner, the plaintiff herein, from claiming eviction against her daughter-in-law, if the circumstances call for it.”

[Emphasis Supplied]

22. In the facts of this case, since the ownership of Plaintiff No. 2 of the suit property is admitted, the directions issued by the Court in **Ambika Jain v. Ram Prakash Sharma** (supra) at paragraph 56 (ii) are squarely attracted. For the purpose of granting the final relief of eviction in favour of the Plaintiffs coupled with grant of residence order in favour of the Defendant, this Court need not await the final determination of the allegations of the domestic violence made by the Defendant; and this is the intent of the law settled by **Ambika Jain v. Ram Prakash Sharma** (supra) as upheld by Supreme Court in **Satish Chandra Ahuja v. Sneha Ahuja** (supra).

Residence orders under Section 19(1) of the PWDV Act are granted after the competent Court is satisfied that domestic violence has taken place against the aggrieved person. The direction to provide alternate accommodation to the aggrieved person under Section 19(1)(f) follows such a determination. In **Satish Chandra Ahuja v. Sneha Ahuja** (supra), the Supreme Court was confronted with the orders of the Trial Court where orders of eviction had been passed against the aggrieved person without returning a finding on the allegations of domestic violence and without providing for her alternate residence. In such facts, the Supreme Court held that the Trial Court could not have non-suited the aggrieved person without protecting her residence rights since her allegations of domestic violence had not been adjudicated upon.

It is only if the Civil Court while exercising powers under Order XII



Rule 6 CPC is not persuaded to grant residence order as contemplated under Section 19(1)(f) of the PWDV Act in favour of the aggrieved person that it would have to undertake trial on the allegations of the domestic violence levelled by the aggrieved person (defendant) against the Plaintiffs.

23. The Defendant has raised an objection that due to the non-impleadment of her husband, the present suit is liable to be dismissed as he is a proper party. In support the Defendant relies upon the observations of the Supreme Court at paragraph 127 of **Satish Chandra Ahuja v. Sneha Ahuja** (supra). The intent of making the husband a party is to secure the Defendant's right for alternate accommodation under Section 19(1)(f) of the PWDV Act. In this case, since the Plaintiffs are undertaking to provide alternate accommodation to the Defendant as their personal liability<sup>14</sup> and this Court is also passing directions to secure the said alternate accommodation, the impleadment of the husband is not deemed necessary. In case the Plaintiffs would have expressed inability to provide alternate accommodation to the Defendant, the impleadment of the husband would have become proper.

24. In the facts of this case, as noted above this Court is of the opinion that it is a human and a legal necessity that Plaintiffs and Defendant ought to part ways and live separately. The facts on record show that the family has become a spectacle for its neighbours and at the local police station. Both the Plaintiffs and Defendant have been stripped off their dignity due to the inter-se litigations. The Defendant's arguments failed to persuade this Court that residing in the suit property is beneficial either to the Defendant or to the Plaintiffs. The fact that parties have been compelled to installed CCTV

---

<sup>14</sup> As evidenced by their brief synopsis filed under the cover Index dated 16.04.2025 at paragraph 5; and by the order dated 15.09.2022 by the Ld. MM at paragraph 7.



cameras in all the common areas of the house to protect themselves against allegations of violence and misbehaviour against each other, reflects a toxic environment in the suit property.

25. This Court notes that parties started residing together in 1998 and disputes came out in open only in 2022. However, thereafter the disputes have escalated exponentially making it unliveable for each other. In the opinion of this Court, it would be in the best interest of the parties that they part ways and live separately.

26. The Plaintiffs have explained that the house comprises of a basement, ground floor and first floor used by the family ('dwelling unit'). It is stated that the second floor has been let out to the tenant and the Plaintiffs are dependent on the said income. It is stated that basement, ground floor and first floor is a single dwelling unit with a common kitchen, common areas and a single staircase; and therefore, cannot be used by parties separately.

The suggestion of the Defendant that parties can live in the same household on separate floors fails to persuade this Court. There are common areas which parties are bound to use during the course of daily living. With so much acrimony between the parties and deep fault lines expecting parties to live together does not commend to this Court.

27. The Plaintiffs have offered to provide an alternate accommodation to the Defendant. However, the Defendant in response to this offer, in its written note of arguments, submitted that given the high rental value of similar properties in the locality, which is approximately 1,30,000/-, and her entitlement to the lifestyle and amenities she has long enjoyed, she cannot be left without a commensurate roof over her head, and the Plaintiffs' real intent is to dispossess her and sell the property, thereby infringing her statutory right



of residence. No document has been filed in support of the claim of rental of Rs. 1,30,000/-.

28. The site plan of the suit property has been placed on record by the Plaintiffs. As per the site plan, there is one (1) bedroom on the ground floor and two (2) bedrooms on the first floor. There are four (4) family members admittedly residing in the suit property. In addition, there is drawing, dining and kitchen on the ground floor as well as a Pooja room and office room on the first floor. The basement is used for storage. This suit property is constructed on the plot admeasuring 274.50 sq. mts.

Having perused the said site plan and keeping in view the fact that Defendant and her husband have one child, who is a major and is residing abroad, this Court is of the considered opinion that a three (3) BHK flat on an equal plot size would adequately secure Defendant's right of residence.

29. This Court is therefore persuaded to grant a decree in terms of prayer clause (A) of the plaint in favour of the Plaintiffs and against the Defendant.

30. Having regard to the highest prevailing rental values in the locality of the suit property as reflected on e-rental platforms<sup>15</sup>, the rental amount of the alternate accommodation is assessed at maximum of Rs. 65,000/- per month, as well as the nature of facilities presently available in the suit property for its residents. Accordingly, the Plaintiffs are directed to provide an alternate accommodation to the Defendant on the following terms and conditions:

- i. Rental of Rs. 65,000/- per month for a three (3) BHK flat on an equal plot size with bi-annual increase of 10%.
- ii. Security deposit demanded by the landlord to be paid by the

---

<sup>15</sup> The information downloaded from <https://www.magicbricks.com/flats-for-rent-in-shivaji-enclave-new-delhi-pppfr> is taken on record and placed in Part I-A.



Plaintiffs.

- iii. The Plaintiffs will bear the brokerage charges.
- iv. Advance rent equivalent to 6 months to be deposited by the Plaintiffs with the Defendant.
- v. A registered lease deed/rent agreement will be executed for a minimum period of two years.
- vi. Maintenance charges payable to the RWA/Managing Agency of the Complex/building, on actual basis and the electricity/water charges, on actual basis to be borne by the Plaintiffs.
- vii. The Plaintiffs will bear the cost of shifting/transportation of the goods of the Defendant from the suit property to the rental property.

After accounting for the rental plus actuals listed above, this Court is of the opinion that the Defendant will have an alternate residence which is of an equal standing.

31. The Defendant will be at liberty to select an apartment of her choice within 30 days from today (i.e., on or before 09.10.2025). The Defendant may select such apartment in the same locality as that of the suit property, or in the locality where her parents are residing or any other Complex or neighbourhood in or around Delhi.

32. In case, the Defendant fails to select an apartment of her choice within 30 days from today, the Plaintiffs will be at liberty to select a suitable apartment within 15 days (i.e., 23.10.2025) thereafter and complete all formalities for execution of the lease deed within another fifteen (15) days (i.e., 07.11.2025), in consonance with the aforesaid directions, for the Defendant.



33. The Defendant will vacate the suit property on or before 07.11.2025. The Plaintiffs will be entitled, to not permit the Defendant from entering the suit property after 07.11.2025.

34. It is made clear that in case, the Plaintiffs' default in making payments towards rental, etc. as stipulated in paragraph 31 above, resulting in the Defendant's being evicted from the rental property, the Defendant will be entitled to return to the suit property and reside therein.

35. It is clarified that this Court has not expressed any opinion on the merits of the allegation of cruelty levelled by the Plaintiffs and Defendant against each other. The trial of these allegations will be tested in the proceedings initiated by these parties under the PWDV Act, which is pending trial. It is on a demurer, having perused the allegations made by the parties against each other that this Court is of the opinion that it is the interest of both the parties themselves that they should live separately.

36. Any ordinary person would not have preferred to live together with each other in such violent and acrimonious atmosphere. It appears that the Defendant is being compelled to take such a legal stance and live in so much acrimony only to preserve her residence rights. However, the said right is being reserved by issuing direction for providing her with an alternate accommodation.

37. Since this is an alternate measure and the rights of the Defendant also have to be protected so as to secure her rights in the shared household, accordingly, the Plaintiffs will not create any third-party interests in the suit property by maintaining status quo *qua* title of the suit property, until the subsistence of the matrimonial relationship between Defendant and her husband/Plaintiff's son, Mr. Sachin Arora. This direction vis-à-vis the



Plaintiffs is also in consonance with Section 19(1)(e) of the PWDV Act.

38. The aforesaid arrangement for alternate residence shall continue during the subsistence of the matrimonial relationship between Defendant and her husband.

39. With the aforesaid direction, the application under Order XII Rule 6 is allowed and the suit is decreed in terms of prayer clause (A) of the plaint. A decree of mandatory injunction is passed in favour of the Defendant directing her to vacate the suit property bearing no. GB 25, Shivaji Enclave, Tagore Garden, New Delhi-110027.

40. The Registry of this Court is directed to draw a decree sheet in terms of this Order.

41. No order as to costs.

42. Pending applications, if any, stand disposed of.

43. Future dates, if any, stand cancelled.

**MANMEET PRITAM SINGH ARORA  
(JUDGE)**

**SEPTEMBER 09, 2025/hp/AM**