



2026:DHC:7797



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

Reserved on : 13th August 2026.

Pronounced on : 15th September 2026.

Uploaded on : 16th September 2026.

+ C.R.P. 145/2025

CHAHNA GUPTA

.....Petitioner

Through: Mr. H.S. Phoolka, Sr. Adv. with
Ms. Nandita Rao, Ms. Surpreet
Kaur, Mr. Kartik Goyal, Mr.
Manoj Makhija, Advs. &
Petitioner in person.

versus

PRIYANKA ARUKIYA & ORS.

.....Respondents

Through: Mr. Ankur Mahindro, Mr.
Ankush Satija, Mr. Mohit
Dagar, Mr. Rohan Taneja, Ms.
Jhanak Setia, Advocates for
Respondent no.1.
Mr. Jai Shankar, Ms. Lochan
Rajput, Mr. Asad Raza, Mr.
Vijay Pratap, Advs. for
Respondent nos. 2 & 3.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

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ANISH DAYAL, J.

1. This petition has been filed assailing the impugned order dated 17th April 2025 passed by Civil Judge, West, Tis Hazari Courts, in CS SCJ No. 1192/2021, whereby the application under Order XII Rule 6 of Code of Civil Procedure, 1908 (*'CPC'*) filed by the plaintiff/petitioner was dismissed.



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2. Plaintiff/petitioner had filed a suit for permanent injunction, recovery of possession, recovery of charges of uses and *mesne* profits against the defendant. The petitioner/plaintiff stated that she was 35 years of age. Her father had purchased property bearing *No. B-82, Ganesh Nagar, New Delhi-110018*, vide a duly registered sale deed dated 05th March 1992, from his own sources of income. Thereafter, he constructed the ground, first and second floors of the property. The mother of the petitioner/plaintiff died on 04th December 2017, and her father died on 03rd May 2021 during the COVID-19 pandemic, without leaving any Will. Accordingly, the petitioner/plaintiff, *Deepak Gupta* and *Anupam Gupta* became the legal heirs and joint owners of the said property. The ground floor is stated to be owned and possessed by *Deepak Gupta*, the first floor is stated to have fallen to the share of the petitioner/plaintiff and is in the possession of the defendant, wife of *Ankit Gupta*, and the third floor, along with the roof rights, is stated to be owned and possessed by *Anupam Gupta*.

3. The petitioner/plaintiff claimed that she had been asked to make her own separate arrangements for residence despite being single and unemployed. She claimed that there was a family settlement pursuant to which the first floor of the property fell to her share. During the lifetime of her father, his brother *Pawan Gupta* (uncle/*chacha*), was permitted to reside in the suit property as a licensee. After the death of *Pawan Gupta*, at the request of his wife, *Manju Gupta*, the father of the petitioner/plaintiff permitted her to use the ground floor of the property. *Manju Gupta* resided there along with her son *Ankit Gupta*,



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and daughter *Jaya Gupta*, as licensees. *Jaya Gupta* got married in 2012 and thereafter moved to her matrimonial home. In June 2021, prior to the marriage of *Ankit Gupta*, *Manju Gupta* requested that they be permitted to shift to the first floor, which permission was granted by the father of the petitioner/plaintiff. *Ankit Gupta* married *Priyanka Arukia*, the defendant herein, and they thereafter resided on the first floor as licensees. The father of plaintiff cancelled the licence granted to the family of his deceased brother and asked them to vacate the property at a family meeting held in March 2019. They sought permission to stay till 31st May 2020. However, their stay continued thereafter and was extended beyond the said period on account of the COVID-19 pandemic.

4. *Manju Gupta* stated that she was compelled to leave the suit property on account of the cruelty and harassment allegedly meted out to her by her daughter-in-law, the respondent/defendant. Owing to the strained matrimonial relationship, the respondent/defendant did not permit her husband *Ankit Gupta*, to enter the suit property. The plaintiff stated that the belongings of *Manju Gupta* and *Ankit Gupta* continued to remain in the property. The petitioner/plaintiff approached the respondent/defendant on 01st June 2021 and requested her to vacate the property on the ground of her *bona fide* requirement of the same. As the respondent refused to vacate, the suit came to be filed.

5. After the filing of the written statement, an application under Order XII Rule 6 CPC was filed by the petitioner/plaintiff. It was



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contended that there was no dispute that the defendants were not owners of the suit property and that there was no averment that defendant nos. 2 and 3, namely, the husband and mother-in-law of defendant no. 1, were owners of the property. It was further submitted that defendant nos. 2 and 3 had admitted in their written statement that their family was merely a licensee in the property and had no other right in the suit property. It was also contended that defendant no. 1 had admitted that her claim, if any, was through defendant nos. 2 and 3 and that she had not asserted any independent right in the property. On this basis, the application under Order XII Rule 6 CPC sought a decree in favour of the petitioner/plaintiff.

6. Reply to the same was filed by defendant nos.2 and 3 where they categorically stated that they were the licensees of the first floor and paid rent for the same and had left since 18th May 2019.

7. Defendant no.1 however took the argument that she has every right to reside in the property since it is her matrimonial house which was promised to her and where she stayed after her marriage on 01st July 2018. Because of matrimonial disturbances, she had filed a domestic violence case against the husband and the in-laws which was pending in Mahila Court, Dwarka Courts. It had been represented by the in-laws at the time of marriage that the suit property was a joint property of *Late Shri Subhash Gupta* and *Late Shri Pawan Gupta* and this was reiterated by her mother-in-law and husband post the marriage as well. It is stated that the suit had been filed by plaintiff in



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collusion with defendant nos. 2 and 3 as a tactic to throw her out of the matrimonial home.

8. Dealing with this issue, the Trial Court decided the application under Order XII Rule 6 held as under:

“7. A bare perusal of the written statement of defendant no. 1 shows that she has categorically stated that the suit property is her matrimonial house and shared household. One of the foremost requirement of Order XII Rule 6 CPC is that there should be an unequivocal and clear admission to the facts of the case of plaintiff by the defendant. However, in the present case, defendant has clearly stated that she is residing in the suit property as it is her matrimonial house and after marriage the defendant no. 1 was brought to her matrimonial home i.e., B-82, First floor, opp Sanatan Dhram Mandir, Ganesh Nagar, Janak Puri, New Delhi by her husband and in laws and all of them were residing peacefully therein. Thus, this become a triable issue whether the suit property is the matrimonial house of defendant no.1 which can only be ascertained during the course of the trial. Accordingly, the present application stands dismissed”

(emphasis supplied)

9. The petition was previously allowed by a Coordinate Bench of this Court *vide* order dated 15th May 2025. Thereafter, a Review Petition, being REV. PET. 375/2025, was filed on the grounds that service had not been effected upon respondent no. 1 and that triable issues had been raised in the written statement. However, *vide* order dated 15th July 2025, the Court held that there was no ground for



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review of the order dated 15th May 2025. Thereafter, the respondent approached the Supreme Court in Civil Appeal Nos. 12775-12776/2025, wherein it was contended that service had not been effected upon the respondent. The Supreme Court, *vide* order dated 16th October 2025, noted that notice had not been issued by High Court. Accordingly, the orders dated 15th May 2025 and 15th July 2025 were set aside and the matter was remanded to this Court for fresh consideration.

Submissions of Counsel

10. While *Mr. H.S. Phoolka*, Senior Counsel for petitioner, relies upon the discussion in orders dated 15th May 2025 and 15th July 2025, counsel for respondents states that both these orders have been set aside by the Supreme Court and therefore, the observations made by the Predecessor Bench should not be relied upon.

11. Counsel for respondent relied upon decision by a Coordinate Bench of this Court in ***Seema Bansal v. Durga Dass Bansal*** (2024) SCC OnLine Del 5440, wherein the issue of a shared household came up in a civil suit, against which an appeal was filed before this Court. A civil suit for eviction was filed by plaintiffs therein against the defendant, her husband and their family, and the suit was decreed in favour of the plaintiffs. The defendant contended before this Court that she was in a domestic relationship within the meaning of the Section 17 of the Protection of Women from Domestic Violence Act, 2005, and had been residing in the suit property since the inception of her marriage and was, therefore, entitled to reside therein as a shared



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household. While deciding the appeal filed by the defendant, the Single Judge telescoped the issue as under:

“31. The appellant seeks to assail the impugned judgment and decree, inter alia, on the ground that the learned Trial Court has erred in ignoring that the suit property is a “shared household” and is being used jointly by all the parties therein. The appellant further avers that she had come to the suit property in her marriage procession- “Doli” and the said suit property was being jointly used by all the parties including both respondent nos. 1 and 2 and their children i.e., respondent no. 3 herein, the son of respondent nos. 1 and 2 and the husband of the appellant.

32. In light of the rival contentions advanced by the parties and in light of the impugned judgment and decree would show that the primary issue which falls for consideration in the present Regular First Appeal pertains to whether the entitlement of the appellant to reside in the respondents' property emanates from her status of a licensee/permissive user which is terminable on revocation of the license, or she is entitled to reside in the suit property by virtue of her status as the daughter in law of the respondents and the suit property being a “shared household” by virtue of her marriage. The appellant has raised this specific contention in her written statement to the plaint before the learned Trial Court, however, the said issue was not framed, or considered by the Court while deciding the suit in question. The learned Trial Court has held that the appellant is only a permissive user and the license to stay is deemed to be revoked by virtue of the civil suit for eviction filed by the respondents.”

(emphasis supplied)



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12. Thereafter, the Court, considered the statutory provisions and the judgments relied upon, including the decision of the Supreme Court in ***Prabha Tyagi v. Kamlesh Devi***, (2022) 8 SCC 90, and recognised the right of a woman in a domestic relationship to reside in a shared household. The Court observed as under:

“41. Based on this submission, the respondents have relied on the decision of Saraswati Devi (supra) to contend that in the absence of a complaint, the protections provided in the DV Act do not accrue and thus, provisions of the DV Act cannot be considered. However, the Court is of the opinion that the decision in Saraswati Devi (supra) primarily sought to balance the rights of both the parties therein, and eviction of the daughter-in-law was carried out under the complaint alleging violation of the provisions of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It is not a pronouncement on the proposition that a daughter-in-law cannot claim the right of residence/shared household merely because no proceedings were instituted under the DV Act. In furtherance, the decision of the Apex court in Prabha Tyagi (supra) affirms the right of every woman in a domestic relationship to reside in a shared household and observes that any woman, whether being a wife, daughter-in-law, sister or any other relationship, is entitled to a shared house by virtue of a “domestic relationship”. Any narrow view of the matter would be counterproductive and against the spirit of the welfare legislation i.e., DV Act.”

(emphasis supplied)



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13. Thereafter, taking into account the decision of this Court in ***Kavita Gambhir v. Harish Chand Gambhir*** (2009) 162 DLT 459, the Court stated as under:

“50. This Court in Kavita Gambhir (supra) placed reliance on the authoritative pronouncement in the case of B.P. Achala Anand v. S. Appi Reddy, wherein, the Supreme Court has held that a wife cannot be deprived of her residence when her tenant-husband has left his wife to the peril of eviction and held that a deserted wife and her children living in her matrimonial home occupy a position akin to that of an heir of the tenant-husband as long as the matrimonial relationship exists. The existence of matrimonial relationship and constructive or actual possession of the matrimonial home are essential ingredients in an inquiry of this nature. And above all, the Court must approach such issues with a robust common sensical approach by being alive to the societal realities and common course of natural events. The right to a household, accruing in favour of the wife by virtue of the DV Act or otherwise, is a reflection of the cherished fundamental right to human dignity, which forms part of the golden principles of the Constitution. Therefore, the standard of deprivation must be a high standard”

(emphasis supplied)

14. Thereafter, the Court concluded as under:

“61. This Court in Ambika Jain (supra) has expressly observed that as per the provisions of the DV Act, where an aggrieved person may be evicted only by “procedure established by law”, such eviction does not include a decree of a Trial Court decided solely on the basis of “title documents” and in non-consideration of her statutory rights granted



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under the DV Act. The expression “procedure established by law” is not unknown to the legal discourse. In fact, it has been the subject matter of a considerable constitutional discourse in India. Suffice to observe that the procedure contemplated in the law ought to be just, fair and reasonable. If the procedure adopted by a Court tramples upon the statutory rights of any party, or overlooks such rights, it could not be termed as just, fair and reasonable.

...

64. It is a matter of record that the learned Trial Court has not taken into consideration the statutory rights of the appellant under the DV Act, despite such rights being specifically agitated, and has solely directed eviction based on the ownership of the suit property and on the license theory. Thus, this Court is satisfied that the eviction order by the learned Trial Court does not fall under the ambit of “procedure established by law” and it has taken a narrow view of the matter.”

(emphasis supplied)

15. Placing heavy reliance on the aforesaid decisions, counsel for respondent stated that Order XII Rule 6 CPC cannot subsist.

16. Senior counsel for petitioner relied upon the decision in ***S R Batra & Anr. v. Taruna Batra*** (2007) 3 SCC 169 rendered by a Bench of Two Judge of the Supreme Court. The issue concerned the house in which *Taruna Batra*, who was married to *Amit Batra*, was living after marriage. The said house belonged to the mother of *Amit Batra*. *Amit Batra* filed a divorce petition whereas *Taruna Batra* filed an FIR under Sections 406/498A/506 IPC. *Taruna Batra* later shifted to her parents' residence because of the dispute with the husband. But



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later on when she tried to enter the house, she found the entrance locked. She moved the suit for mandatory injunction and then it was alleged that they forcibly broke open the doors.

17. The Trial Judge granted temporary injunction in favour of *Taruna Batra*. Appeal was filed before the Senior Civil Judge by appellants therein stating that neither *Taruna Batra* nor *Amit Batra* were living in the suit property and matrimonial home cannot be where only the wife was residing. Aggrieved by the order of Senior Civil Judge, *Taruna Batra* approached the High Court under Article 227 of the Constitution. The High Court held that the suit property was the matrimonial home and the change of residence by the husband could not shift the matrimonial home particularly when there was a divorce petition.

18. *Taruna Batra* relied upon the Protection of Women from Domestic Violence Act, 2005 to say that she could not be dispossessed. The Supreme Court opined that the house in question cannot be said to be “a shared household” within the meaning of Section 2 (s) of the Protection of Women from Domestic Violence Act. The Supreme Court rejected the submission of *Taruna Batra* that the definition of shared household includes a household where the aggrieved person lives or at any stage had lived in a domestic relationship. Taking this into account, the Supreme Court stated as under:

“26. If the aforesaid submission is accepted, then it will mean that wherever the husband and wife lived



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together in the past that property becomes a shared household. It is quite possible that the husband and wife may have lived together in dozens of places e.g. with the husband's father, husband's paternal grandparents, his maternal parents, uncles, aunts, brothers, sisters, nephews, nieces, etc. If the interpretation canvassed by the learned counsel for the respondent is accepted, all these houses of the husband's relatives will be shared households and the wife can well insist in living in all these houses of her husband's relatives merely because she had stayed with her husband for some time in those houses in the past. Such a view would lead to chaos and would be absurd.

29. As regards Section 17(1) of the Act, in our opinion the wife is only entitled to claim a right to residence in a shared household, and a shared household would only mean the house belonging to or taken on rent by the husband, or the house which belongs to the joint family of which the husband is a member. The property in question in the present case neither belongs to Amit Batra nor was it taken on rent by him nor is it a joint family property of which the husband Amit Batra is a member. It is the exclusive property of Appellant 2, mother of Amit Batra. Hence it cannot be called a “shared household”.

(emphasis supplied)

19. Relying upon the aforesaid decision, Senior Counsel for petitioner submitted that the facts of the present case were similar, inasmuch as the suit property did not belong to the husband, although he had resided therein with his mother as a licensee prior to the marriage and had continued to reside there even after the marriage.



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20. Subsequently, a Bench of three judges in ***Satish Chander Ahuja v. Sneha Ahuja***, (2021) 1 SCC 414, concluded that the ***S R Batra*** (*supra*) was not good in law and that it had incorrectly interpreted Section 2 (s) of the Protection of Women from Domestic Violence Act.

21. The Supreme Court in ***Satish Chander Ahuja*** (*supra*) stated that the definition of “*shared household*” cannot be read to mean that shared household can only be that household of the joint family of which husband is a member or in which husband of the aggrieved person has a share, which is household of the joint family. Under definition of respondent in Section 2(q) of the Act, respondent in domestic violence proceedings can be any relative of the husband. Therefore, as regards *shared household* Supreme Court noted that in the event, the shared household belongs to any relative of the husband within whom in a domestic relation the women had lived, the conditions mentioned in Section 2(s) are satisfied and the said house will become a shared household.

22. The Supreme Court dealt with the meaning and extent of the expression ‘*save in accordance with the procedure established by law*’ as occurring in Section 17(2) of the Protection of Women from Domestic Violence Act and concluded as under:

“125. In case, the shared household of a woman is a tenanted/allotted/licensed accommodation where tenancy/allotment/licence is in the name of husband, father-in-law or any other relative, the 2005 Act does not operate against the landlord/lessor/licensor in initiating appropriate proceedings for eviction of the tenant/allottee/licensee qua the shared



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household. However, in case the proceedings are due to any collusion between the two, the woman, who is living in the shared household has right to resist the proceedings on all grounds which the tenant/lessee/licensee could have taken in the proceedings. The embargo under Section 17(2) of the 2005 Act of not to be evicted or excluded save in accordance with the procedure established by law operates only against the “respondent” i.e. one who is respondent within the meaning of Section 2(q) of the 2005 Act.”

(emphasis supplied)

23. In **Satish Chander Ahuja** (*supra*), appellant's son had married respondent *Sneha* in 1995 and living in first floor of the house which was purchased by appellant. Due to the matrimonial discord, the husband moved out of the first floor to the guest room and filed a divorce petition. The Chief Metropolitan Magistrate passed an interim order that the husband and the parents will not alienate the shared household or dispossess the complainant.

24. Subsequently, a suit was filed by appellant stating that he was 76 years of age and his daughter-in-law should evict the property. An application under Order XII Rule 6 CPC was filed stating that it was a self-acquired property, which was not denied by daughter-in-law.

25. One of the issues which had been considered is whether High Court rightly came to the conclusion that suit filed by appellant could not be decreed under Order XII Rule 6 of the CPC. Relying upon the decision of the Supreme Court in **Himani Alloys Ltd. v. Tata Steel Ltd.** (2011) 50 SCC 273 and **S. M. Asif v. Virender Kumar Bajaj**



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(2015) 9 SCC 287, the Court held that power under Order XII Rule 6 of the CPC is neither mandatory nor peremptory, but it is discretionary and cannot be claimed as a matter of right. Further, unless the admission is clear, unambiguous, and unconditional, the discretionary power of the court should not be exercised to deny the right to defendant to contest the claim. Furthermore, the admission should be categorical and it should be a conscious and deliberate act of the party making the admission, showing intent to be bound by it.

26. Relying on the written statement filed by the wife, who had stated that the shared household was acquired by the father-in-law through joint family funds and was not a self-acquired property. Besides the suit was directly in conflict with the rights of the defendant to reside in a matrimonial residence/shared household under Sections 17 and 19 of the Protection of Women from Domestic Violence Act.

27. The Court considered that even for sake of arguments, they proceeded on the basis that the plaintiff was the sole owner of the house. On that aforesaid ground, the Trial Court would have decreed the suit under Order XII Rule 6 of the CPC noting that as per Section 26 of the Protection of Women from Domestic Violence Act, any relief which was available under Section 18-22, may be sought in any proceeding. The defence of the wife was that the house was a shared household and she is entitled to reside as per Section 17(1) of the Protection of Women from Domestic Violence Act. Based on this, the Court concluded that the Trial Court ought not to have given judgment



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under Order XII Rule 6 of the CPC on the basis of admissions contained in application filed under Section 12 Protection of Women from Domestic Violence Act and held that the decree was unsustainable.

28. Accordingly, the Court reiterates that the use of the word ‘may’ in Order XII Rule 6 of CPC shows that the provision is discretionary and not mandatory. For reference, Order XII Rule 6 of CPC is quoted as under:

“6. Judgment on admissions.—(1) Where admissions of fact have been made either in the pleading or otherwise; whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.

(2) Whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn up in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.”

29. Additionally, it is noted that the Supreme Court has recently in a judgment of **Rajiv Ghosh v. Satya Naryan Jaiswal**, 2025 SCC OnLine SC 751 has held as under:

“26. The primary object underlying Rule 6 is to enable a party to obtain speedy judgment at least to the extent of admission. Where a plaintiff claims a particular relief or reliefs against a defendant and the defendant makes a plain admission, the former is



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entitled to the relief or reliefs admitted by the latter.
[See : *Uttam Singh v. United Bank of India*, (2000) 7 SCC 120]

27. *As observed in the Statement of Objects and Reasons for amending Rule 6, “where a claim is admitted, the court has jurisdiction to enter a judgment for the plaintiff and to pass a decree on admitted claim. The object of the Rule is to enable the party to obtain a speedy judgment at least to the extent of the relief to which according to the admission of the defendant, the plaintiff is entitled.”*

28. *The provisions of Rule 6 are enabling, discretionary and permissive. They are not mandatory, obligatory or peremptory. This is also clear from the use of the word “may” in the rule.*

29. *The powers conferred on the court by this rule are untrammelled and cannot be crystallized into any rigid rule of universal application. They can be exercised keeping in view and having regard to the facts and varying circumstances of each case.*

30. *If the court is of the opinion that it is not safe to pass a judgment on admissions, or that a case involves questions which cannot be appropriately dealt with and decided on the basis of admission, it may, in exercise of its discretion, refuse to pass a judgment and may insist upon clear proof of even admitted facts.*

31. *To make order or to pronounce judgment on admission is at the discretion of the court. First, the word “may” is used in Rule 6 and not the word “shall” which prima facie shows that the provision is an enabling one. Rule 6 of Order 12 must be read with Rule 5 of Order 8 which is identical to the Proviso to Section 58 of the Evidence Act. Reading*



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all the relevant provisions together, it is manifest that the court is not bound to grant relief to the plaintiff only on the basis of admission of the defendant. (See : Sher Bahadur v. Mohd. Amin, AIR 1929 Lah 569)."

(emphasis supplied)

Analysis

30. In reference to the decision in ***Satish Chander Ahuja*** (*supra*), this case also throws up similar set of facts and circumstances where the plaintiff alleges that originally a self-acquired property and that the floors were distributed amongst the family member, and that one floor had been given to the younger brother of the demised father as a licensee to stay in the property.

31. In the written statement, stand taken by the wife was that before the marriage, in-laws had visited her parental home and stated that the suit property was a joint property of both the brothers *Late Sh. Subhash Gupta* and *Late Sh. Pawan Gupta*. After the death of *Sh. Pawan Gupta*, her husband and mother-in-law stated that they were owners of the suit property and they are residing in being owners of the same. Accordingly, she was brought into that matrimonial home. It was further contented that the suit was nothing but a collusive tactic to throw out the respondent/ defendant from her matrimonial home. The written statement denied that *Subhash Gupta*, father of the plaintiff had purchased the property from his own sources and specifically contended that the husband and mother-in-law were co-owners of the same property. The property was constructed from the funds of the



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joint family of the father of the plaintiff and his brother *Pawan Gupta*. She submitted that the suit property was a joint property and mother-in-law and husband were also co-owners.

32. The respondent no.2 and 3 / defendant nos. 2 and 3, husband and the mother-in-law, however stated that they were merely licensee in the said property.

33. The said situation is covered squarely by *paragraph 125* of ***Satish Chander Ahuja*** (*supra*), as extracted above. While the first part of *paragraph 125* does state that if the shared household is a tenanted/ allotted/ licensed accommodation, where such tenancy/allotment/ licenses in the name of the husband or the father-in-law or any other relative, the 2005 Act will not operate against the landlord/lessor/licensor, in case of proceeding for eviction. Thereafter, the Supreme Court in second part of *paragraph 125* categorically states that if the proceedings are due to any collusion between the two (*i.e. the landlord /lessor//licensor and tenant/allottee/licensee*), then the woman living in the shared household has a right to resist the proceedings and take all the grounds which could have been taken by the tenant/lessee/licensee.

34. Reliance on ***Meenu v. Birma Devi*** (2017) SCC OnLine Del 6990 by petitioners will not assist in view of the analysis done above relying on ***Satish Chander Ahuja*** (*supra*).

35. In the present case, there is no clear, unequivocal or unconditional admission on the part of respondent no. 1 which would



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justify the exercise of jurisdiction under Order XII Rule 6 of the CPC. On the contrary, respondent no. 1 has specifically pleaded that the suit property constitutes her matrimonial home and shared household and has disputed the petitioner's assertion that the property was the exclusive self-acquired property of her father. She has further alleged that the present proceedings have been instituted in collusion with respondent nos. 2 and 3 with the object of dispossessing her from the matrimonial home. Whether the suit property constitutes a shared household within the meaning of the Protection of Women from Domestic Violence Act, the nature of the rights, if any, of respondent nos. 2 and 3 in the suit property, and whether the proceedings for her eviction are vitiated by collusion, are matters which cannot be conclusively determined on the basis of the pleadings presently before the Court. These issues necessarily require adjudication upon evidence. Therefore, in light of judgment of Supreme Court in **Satish Chander Ahuja** (*supra*) and **Rajiv Ghosh** (*supra*) and having regard to the facts and circumstances, this Court is not persuaded that the case is one where Court ought to exercise the discretionary power under Order XII Rule 6 of CPC and that a decree can safely be passed on admissions.

36. Accordingly, the petition is dismissed. Pending applications, if any, are rendered infructuous.

37. The decision rendered by the Predecessor Bench on 15th May 2025 and the dismissal of the Review Petition on 15th July 2025 have



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already been set aside by the Supreme Court and the Court does not deem it fit to be persuaded by the opinion arrived therein.

38. Needless to say, the Trial Court shall proceed with the suit in accordance with law. It is clarified that this Court has not returned any finding on whether the suit property constitutes a shared household and has confined its consideration to the question arising under Order XII Rule 6 CPC.

39. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

SEPTEMBER 15, 2026/sm/zb