



2025:DHC:10984-DB



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

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Judgment reserved on: 26.11.2025

Judgment pronounced on: 08.12.2025

+ **FAO(OS) 119/2025, CM APPL. 64853/2025, CM APPL. 64854/2025 and CM APPL. 64855/2025**

SONIA MEHRA

.....Appellant

Through: Mr. Prashant Mendiratta, Ms. Malvika Choudhary, Ms. Neha Jain, Mr. Taarak Duggal, Ms. Sneha Mathew and Ms. Vaishnavi Saxena, Advs.

versus

ROMY MEHRA & ORS.

.....Respondents

Through: Mr. Parag P. Tripathi, Sr. Adv. with Mr. Prabhjit Jauhar, Ms. Nattasha Garg, Mr. Aadarsh Kothari, Mr. Utpal Sharma and Ms. Rini Mehra, Advs. for R-1 and R-2.
Mr. Prabhjit Jauhar, Mr. Arjun Syal, Mr. Naman Verma, Advs. for R-3.

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. Through the present Appeal, the Appellant [Defendant No.2 before the learned Single Judge] assails the correctness of the order dated 09.09.2025 [hereinafter referred to as 'Impugned Order'] passed by the learned Single Judge in CS(OS) 19/2024, whereby the learned Single Judge allowed the application under Order XXXIX Rules 1 &



2 of the Code of Civil Procedure, 1908 [hereinafter referred to as ‘CPC’] filed by the Respondent Nos.1 & 2 [Plaintiffs before the learned Single Judge], directed the Appellant to vacate the property bearing House No. A-20, Ansal Villas, Satbari, Chhatarpur, New Delhi-110074 [hereinafter referred to as ‘suit property’] within two months, and issued interim directions relating to alternate accommodation (Rs. 2,50,000/- per month to be paid by Respondent Nos. 1 & 2 apart from Maintenance of Rs. 3,00,000/- per month to be paid by Appellant’s husband, i.e., the Respondent No.3), payment of rent, school fees, and preservation of title/status-*quo*.

2. The issue which arises for consideration is whether the learned Single Judge, in directing the Appellant to vacate the suit property at the interlocutory stage, correctly balanced the entitlement of Respondent Nos. 1 & 2 as senior citizens to live peacefully and with dignity in their own home against the Appellant’s statutory right of residence under Section 17 of the Protection of Women from Domestic Violence Act, 2005 [hereinafter referred to as ‘PWDV Act’], while ensuring that adequate alternate accommodation, maintenance, and schooling arrangements for the minor children were provided.

FACTUAL MATRIX

3. For a proper appreciation of the controversy, the factual matrix leading to the passing of the Impugned Order is required to be briefly recapitulated as under.

4. The marriage between the Appellant and Respondent No.3



[Defendant No.1 before the learned Single Judge] was solemnized on 03.03.2009 in accordance with Hindu rites and ceremonies, following which they started residing with Respondent Nos. 1 and 2, who are the parents of Respondent No.3, at the suit property. Out of the said wedlock, two children were born, namely, Ms. Prisha Mehra, born on 17.07.2010, and Master Krishiv Mehra, born on 11.08.2016.

5. Over the years, marital discord arose, leading to multiple proceedings between the parties, including filing of a petition under Section 13(1)(i) and (ia) of the Hindu Marriage Act, 1955, by Respondent No.3 before the Family Court, Saket, seeking dissolution of marriage. Alongside the said petition, Respondent No.3 moved various interlocutory applications under Sections 26 and 151 of the CPC, and under Section 7 of the Family Courts Act, 1984, seeking directions for interim custody of the children, regulation of visitation, and for the Appellant to shift to alternate accommodation.

6. Concurrently, the Appellant filed a complaint under the PWDV Act with the Crime Against Women Cell (CAWC), resulting in the registration of FIR No. 592/2023 on 13.12.2023 against the Respondents under Sections 498A/406/354/506/509/377/34 of the Indian Penal Code, 1860, and further filed her own applications under Section 26 of the Hindu Marriage Act, 1955 concerning custody of the minor children.

7. During the pendency of these proceedings, and prior to adjudication of the rival applications, the Respondent No.3, on 16.12.2023, shifted from the suit property to another rented



accommodation at Flat No.14A, Tower-24, Belgravia, Central Park-2, Sector 48, Gurugram, taking both children along with him. Parallely, on 22.12.2023, the Appellant obtained an *ex-parte* interim order from the Ld. JMFC, Saket Court, in the complaint under the PWDV Act, restraining the Respondents from dispossessing her from the suit property.

8. On 05.01.2024, the Respondent Nos. 1 & 2 filed CS(OS) 19/2024 against both, the Appellant and Respondent No.3 seeking a decree of mandatory injunction directing the Appellant and Respondent No. 3 to vacate the suit property and a permanent injunction restraining the Appellant from entering therein. Interim applications under Order XXXIX Rules 1 and 2 of the CPC seeking an interim injunction and direction to vacate were filed simultaneously.

9. During the pendency of CS(OS) 19/2024, the learned Single Judge referred the matter to mediation on 29.01.2024, which failed on 04.03.2024. Subsequently, on 20.03.2024, the Court directed a lady police officer and a counsellor to visit the suit property and submit a confidential report regarding the atmosphere in the household. The counsellor's report dated 15.04.2024 noted that the atmosphere in the suit property had become toxic due to continuous acrimony between the parties, adversely affecting the minor children. The negative impact of this environment, particularly on the failing health of Respondent No. 2 who suffers from Parkinson's disease, was also noted.

10. In her Written Statement and during proceedings, the Appellant contested the suit primarily on the grounds of collusion between the



Respondents, as well as on maintainability. She, however, admitted before the Court that the acrimony between herself and Respondent No.3 had adversely affected her, leading to emotional and aggressive conduct, including breaking objects at home and engaging in loud arguments. In the meantime, parallel proceedings regarding the custody of the children also ensued. On 07.08.2024, the Family Court directed Respondent No. 3 to return the children to the suit property, which was challenged in MAT. APP. (F.C.) No. 255/2024, wherein this Court, *vide* order dated 12.09.2024, directed visitation at the suit property. Subsequently, in May 2025, upon the minor daughter expressing her desire to reside with the Appellant, this Court modified the arrangement, and the daughter has since been residing in the suit property with the Appellant. Ultimately, MAT. APP. (F.C.) No. 255/2024 filed by Respondent No.3 herein was dismissed on 18.11.2025.

11. Before the learned Single Judge, the Respondent Nos.1 & 2 pleaded that, being in the evening of their lives, and particularly in light of the failing health of Respondent No.2 who is suffering from Parkinson's disease, they were entitled to reside peacefully in the suit property, without being subjected to acrimony and disruptions. Further, the Respondents expressed their willingness to provide the Appellant with alternate accommodation by offering to pay a monthly rent of Rs. 1,50,000/-. The Appellant, on the other hand, submitted that the suit property, being the matrimonial home, was a 'shared household' as per Section 17 of the PWDV Act.

12. The learned Single Judge, however, having considered the



material on record, including the counsellor's report, police inputs, medical records and the admitted acrimony between the parties, concluded that continued co-residence in the single residential unit was untenable. The Impugned Order dated 09.09.2025 therefore allowed the application under Order XXXIX Rules 1 & 2 of the CPC and directed the Appellant to vacate the suit property within sixty days. Crucially, the Court found the Respondents' offer of Rs.1,50,000/- per month inadequate given the standard of living of the Appellant and the children and the practicalities of their schooling at Pathways School, Gurugram; accordingly the Court directed that alternate accommodation be secured at a monthly rent of Rs. 2,50,000/-.

13. The Impugned Order further directed Respondent Nos.1 & 2 to bear all ancillary costs, including the security deposit demanded by the landlord, brokerage charges, six months' advance rent, execution of a registered lease/rent agreement for a minimum period of two years, maintenance charges payable to the RWA/Managing Agency (on actuals), electricity and water charges (on actuals), and the cost of shifting the Appellant's belongings from the suit property to the alternate accommodation. The Appellant was granted liberty to select an apartment of her choice within thirty days in the same Complex where Respondent No.3 is residing or any other Complex or neighbourhood, whether in Delhi or in Gurugram; only upon her failure to do so were the Respondents permitted to select an apartment in Central Park-II township, Sector-48, Gurugram. The Impugned Order further provided that, in the event of default by the Respondents



in making the stipulated payments resulting in eviction from the rental accommodation, the Appellant would be entitled to return to the suit property. Aggrieved, the Appellant has preferred the present Appeal.

14. **CONTENTIONS OF THE APPELLANT**

14.1 Interim Relief vs. Final Relief: Learned counsel for the Appellant contended that the Impugned Order is legally unsustainable as it grants the final relief sought in the suit, mandatory injunction for eviction, at the interlocutory stage itself. Reliance was placed on the principles laid down in ***Dorab Cawasji Warden v. Coomi Sorab Warden***¹ wherein it has been held that interim mandatory injunctions are to be granted only in exceptional circumstances to restore the status *quo*, and not to effectuate a final order. The learned Single Judge, by directing eviction, has effectively altered the status *quo ante* without adjudication on merits.

14.2 Collusion and Mala Fide Filing: It was submitted that CS(OS) 19/2024 filed by Respondent Nos.1 & 2 is collusive and *mala fide*, orchestrated in conspiracy with Respondent No.3, with the singular objective of ousting the Appellant from her matrimonial home. It was emphasized that Respondent No.3 voluntarily vacated the premises on 16.12.2023, merely weeks prior to the filing of CS(OS) 19/2024 on 05.01.2024, and the interim relief for eviction was practically sought solely against the Appellant. Further, it was highlighted that the same counsel represented the Respondents in both the matrimonial and civil proceedings, which points towards collusion.

¹ 1990 (2) SC 117



14.3 Statutory Right to Residence in Shared Household: Learned counsel asserted the Appellant's statutory right of residence in the "shared household" under Section 17 of the PWDV Act. Reliance was placed on **Satish Chander Ahuja v. Sneha Ahuja**² wherein it was held that a woman's claim to residence in a shared household cannot be summarily dismissed at an interlocutory stage and must be adjudicated on evidence. It was submitted that the Appellant continued to enjoy protection under the interim *ex-parte* order dated 22.12.2023 under the PWDV Act, restraining Respondents from dispossessing her.

14.4 Balance of Convenience and Welfare of Minor Children: It was contended that the balance of convenience lies in the favor of the Appellant. The suit property is a spacious residence with independent floors, enabling her to reside on the first floor without interfering with the Respondents on the ground floor. The learned Single Judge failed to consider the welfare of the minor children, particularly the minor daughter, who currently resides with the Appellant. The judgment dated 18.11.2025 in MAT.APP. (F.C.) 255/2024 has granted custody of both minor children to the Appellant. Eviction would disrupt their stability, schooling, and routine, causing undue hardship.

14.5 Overall Hardship and Disruption: It was contended that the direction to vacate imposes undue hardship upon the Appellant and the minor children. The children have, since birth, been residing in the suit property, which is a 3-acre farmhouse with extensive amenities such as a private gym and swimming pool, providing a comfortable and secure environment. The Appellant submitted that the alternate

² (2021) 1 SCC 414



accommodation envisaged under the Impugned Order, even though enhanced by the learned Single Judge to a rental cap of Rs. 2,50,000/- per month with all ancillary charges to be borne by Respondent Nos.1 and 2, would nevertheless not be comparable to the lifestyle and facilities available in the suit property and would not be in the children's best interest. It was argued that, since Respondent Nos.1 and 2 reside on the ground floor, the Appellant could have continued to occupy the first floor independently without disturbing their peaceful enjoyment.

14.6 Impact of Acrimony and Practical Feasibility: While admitting that acrimony exists between the Appellant and Respondent No.3, learned counsel submitted that cohabitation amidst disputes could have been practically managed given the layout of the suit property. The learned Single Judge overlooked the possibility of peaceful cohabitation arrangements, and instead directed eviction without exploring alternative measures that would safeguard both the rights of the Respondents and the statutory rights of the Appellant.

14.7 Interim Nature of Proceedings: It was emphasized that CS(OS) 19/2024 was still at the interlocutory stage, and substantive issues including entitlement, shared household rights, and welfare of minor children remain unadjudicated. Eviction at this stage disregarded ongoing matrimonial proceedings, including custody matters, and prematurely prejudiced the Appellant's lawful claim to reside in the suit property.



15. CONTENTIONS OF THE RESPONDENTS

15.1 Right to Peaceful Enjoyment of Property: Learned senior counsel for Respondent Nos.1 & 2 contended that being in the evening of their lives, and particularly in light of the failing health of Respondent No.2 who suffers from Parkinson's disease, they are entitled to reside peacefully in the suit property without being subjected to constant acrimony, disputes, and disruptions caused by the Appellant. It was submitted that continued cohabitation amidst ongoing hostility has created a toxic atmosphere in the household, adversely impacting both the health of Respondent No.2 and the well-being of the minor children.

15.2 Toxic Atmosphere and Court-Appointed Reports: It was highlighted that the continued residence of the Appellant in the suit property had created a "toxic" environment. Reliance was placed upon the reports submitted by the court-appointed Counsellor and Police Officials, before the learned Single Judge, which documented instances of friction, including breaking of objects and loud arguments, to demonstrate that the shared living arrangement was untenable. The counsellor's report dated 15.04.2024 specifically noted the negative impact on the minor children as well as the deteriorating health of Respondent No.2. The medical reports dated 13.03.2024 and 18.03.2024, placed before the learned Single Judge, further confirmed that Respondent No.2's condition had significantly worsened due to continuous harassment, loud disturbances, and violent behaviour exhibited by the Appellant.



15.3 Necessity and Equitability of Interim Relief: It was submitted that the interim relief was essential to prevent further deterioration of Respondent No.2's health and to restore a peaceful domestic environment. The learned Single Judge, after examining the material and the living conditions, directed that the Appellant be provided alternate accommodation at a rental value capped at Rs. 2,50,000/- per month, with Respondent Nos.1 and 2 bearing all ancillary expenses including security deposit, brokerage, six months' advance rent, maintenance, electricity, water charges, and shifting costs. It was contended that these safeguards ensure that the Appellant and minor children are adequately protected, while permitting the Respondents to reside peacefully in their own home.

15.4. Provision for Maintenance and Children's Welfare: Learned counsel submitted that, in addition to alternate accommodation, the Respondent No.3 is already paying the maintenance charges in separate proceedings, as well as the school fees of the minor children are being borne by the Respondents, ensuring continuity in their upbringing and education. It was contended that these measures adequately protect the Appellant and minor children while enabling the Respondents to peacefully enjoy the suit property.

15.5 Inapplicability of Shared Household Claim: Learned counsel contended that while the Appellant claims residence under Section 17 of the PWDV Act as part of a "shared household," the facts demonstrate that the property is a single household with common areas, and cohabitation amidst acrimony is not practically feasible. It was further highlighted that Respondent No.3 had vacated the



premises in December 2023, yet the Appellant continued to reside in the suit property, exacerbating tension and making alternate arrangements imperative.

15.6 Welfare of Minor Children: Respondent Nos.1 & 2 submitted that the welfare of the minor children is paramount. Eviction of the Appellant with appropriate arrangements ensures that the children are not exposed to a toxic environment. It was contended that practical arrangements for alternate accommodation, including rent, maintenance, and school fees, preserve the children's routine, education, and upbringing without disruption. It was further submitted that both children study in Pathways School, Gurugram, and residence in Gurugram would minimise daily travel and be in the children's welfare.

15.7 Legitimacy of Interim Order: Learned counsel emphasized that the Impugned Order dated 09.09.2025 does not amount to a final adjudication of rights but merely protects the Respondents from ongoing harm and preserves their rights pending determination of substantive issues. The balance of convenience and prevention of irreparable injury clearly favored the Respondents, and the learned Single Judge's exercise of discretion in granting interim relief was both necessary and justified.

15.8 Property Rights of Parents-in-Law: Learned counsel further contended that Respondent Nos.1 & 2, as parents-in-law and exclusive owners of the suit property, are entitled to seek eviction of their son and daughter-in-law. They categorically denied the allegations of



collusion, asserting that CS(OS) 19/2024 was filed solely to protect their property rights, health, and well-being against the harassment alleged in their pleadings.

16. **ISSUES FOR CONSIDERATION**

- I. Whether the Impugned Order strikes an appropriate balance between the right of Respondent Nos.1 & 2, who are senior citizens and exclusive owners of the suit property, to reside peacefully and with dignity, and the Appellant's statutory protections and the welfare of the minor children.
- II. Whether the interim arrangement directed by the learned Single Judge, including provision of alternate accommodation, rental payments, maintenance and educational expenses, adequately safeguards the Appellant's lawful interests without prematurely prejudicing the substantive issues pending adjudication in CS(OS) 19/2024.
- III. Whether the learned Single Judge erred in granting an interim mandatory injunction directing eviction of the Appellant at an interlocutory stage, contrary to the settled principles governing interim mandatory relief, including the requirement to preserve the status *quo* unless exceptional circumstances exist.
- IV. Whether the Appellant's statutory right of residence in the "shared household" under Section 17 of the PWDV Act could have been curtailed at an interim stage without a full adjudication on evidence.
- V. Whether the balance of convenience, comparative hardship, and paramount consideration of the welfare of the minor children,



particularly in relation to their residence, schooling and stability, were correctly assessed by the learned Single Judge.

- VI. Whether the documented toxic atmosphere within the household, and the deteriorating health of Respondent No. 2, a senior citizen suffering from Parkinson's disease, justified the direction for eviction, and whether the legitimate interests of the parents-in-law to reside peacefully in their own home were properly considered.
- VII. Whether the learned Single Judge ought to have explored less disruptive alternatives, including independent occupation of separate floors within the suit property or other cohabitation arrangements, before directing the Appellant's eviction.

ANALYSIS & FINDINGS

17. This Court has considered the submissions advanced by learned counsel for the parties at length, and with their able assistance, perused the paperbook, the pleadings, the documents placed on record, and the orders passed in the connected matrimonial and custody proceedings. The Impugned Order has also been examined in light of the principles governing the grant of interim mandatory injunctions, the statutory scheme under the PWDV Act, and the paramount consideration of the welfare of minor children. The issues arising for determination are dealt with hereinafter.

18. *Re: Balancing Competing Rights of Senior Citizen Parents-in-Law and the Appellant*

18.1 There is no dispute that Respondent Nos.1 and 2 are the



exclusive owners of the suit property, and that Respondent No.2 is a senior citizen suffering from Parkinson's disease whose medical record reflects progressive deterioration. It is equally not in dispute that the Appellant has been residing in the suit property since her marriage in 2009 and that the minor children presently reside with her pursuant to judicial orders. The material on record, including the counsellor's report dated 15.04.2024, establishes that the level of acrimony within the household had reached a point where it had begun to adversely affect both the health of Respondent No.2 and the well-being of the children.

18.2 This Court is conscious that the Appellant, as a daughter-in-law, may justifiably claim residence-related protection under the PWDV Act. However, such protection does not translate into an indefeasible right to reside *in perpetuity* in premises exclusively owned by the in-laws, particularly when continued residence results in demonstrable distress to senior citizens. The right under Section 17 of the PWDV Act is a right of protection, not a right of ownership or a licence to indefinitely occupy premises of the in-laws when such occupation causes demonstrable harm to senior citizens. The Supreme Court has consistently held that such right is subject to balancing against the rights of senior citizen parents to peaceful possession and enjoyment of their property.

18.3 In the present case, the evidence placed before the learned Single Judge, including repeated complaints, counselling reports, and the medical condition of Respondent No.2, clearly revealed that the atmosphere had become so toxic that cohabitation under one roof had



become unworkable. The learned Single Judge, therefore, cannot be faulted for concluding that continued residence of the Appellant in the suit property was causing manifest hardship to Respondent Nos.1 and 2, who, in their advanced age and diminished health, are entitled to live with dignity and peace.

18.4 The legal position governing the competing residence claims of a daughter-in-law vis-a-vis the rights of senior citizen parents-in-law, who are undisputed owners of the property, now stands clarified by the recent Division Bench judgment dated 30.10.2025 of this Court in **Manju Arora v. Neelam Arora & Anr.**³. The Division Bench held that in such circumstances where cohabitation under one roof is unworkable and the property is exclusively owned by the in-laws, the right of residence under Section 17 of the PWDV Act does not entitle the daughter-in-law to remain indefinitely in premises owned by the parents-in-law when continued cohabitation has become detrimental to their health and dignity.

18.5 The Division Bench further held that the residence right under Section 17 of the PWDV Act is a *protective right of occupation*, not an *indefeasible or perpetual right* to reside in the specific premises owned by the in-laws. The Court clarified that where the daughter-in-law's occupation is in a house exclusively owned by the parents-in-law, her rights stand sufficiently safeguarded if suitable alternate accommodation is made available under Section 19(1)(f) of the PWDV Act. The statute does not compel senior citizens to endure a toxic or hostile domestic environment merely to preserve the

³ 2025:DHC:9456-DB



daughter-in-law's convenience or preference.

18.6. Significantly, the Division Bench expressly held that the PWDV Act does not override the autonomy, dignity, or residential rights of senior citizens in their own property. The right of residence under Section 17 of the PWDV Act cannot be interpreted to curtail an owner's right to peaceful enjoyment of his or her property, particularly where uncontroverted material demonstrates that such residence is aggravating the senior citizen's medical condition.

18.7 When tested against the principles laid down in **Manju Arora** (supra), the present case falls squarely within the category where an interim direction to vacate, coupled with provision of fully adequate alternate accommodation, constitutes a lawful and proportionate balancing of rights. The learned Single Judge, therefore, acted in consonance with the ratio of **Manju Arora** (supra) in holding that the Appellant's statutory protections could be meaningfully preserved while ensuring the elderly Respondents could reside peacefully in their own property.

19. *Re: Adequacy of Alternate Accommodation & Safeguards Ordered*

19.1 Significantly, the Impugned Order does not render the Appellant or the minor children homeless. On the contrary, the learned Single Judge directed Respondent Nos.1 & 2 to provide alternate rented accommodation for the Appellant and the children, to bear the rent, and to shoulder the educational expenses of the minors. These directions ensure continuity, stability, and financial security for the



Appellant and the children. The affidavit dated 07.04.2025 filed by Respondent Nos.1 & 2 recorded their offer to pay monthly rent of Rs. 1,50,000/- for the alternate accommodation; however, the learned Single Judge, taking into account the location, size and requirements of the Appellant and the minor children, directed that a higher amount of Rs. 2,50,000/- per month shall be paid towards rent, in addition to covering the security deposit, brokerage charges, six months' advance rent, electricity and water charges, and the cost of shifting the Appellant's goods. The Appellant was granted liberty to select an apartment of her own choice within 30 days; failing which, the Respondents were permitted to select an apartment in Central Park-II township, Sector-48, Gurugram, which itself is a premium residential complex with modern facilities, security arrangements, recreational amenities, and a living environment comparable to that enjoyed by the family prior to the dispute. This indicates that the Respondents have taken care to ensure that the Appellant and the minor children continue to have access to a comfortable, secure, and well-maintained living space.

19.2 During the course of hearing, this Court also queried learned counsel for the parties regarding the subsisting maintenance arrangement. It was stated that, in separate proceedings, the Appellant continues to receive a sum of Rs. 3,00,000/- per month as maintenance from Respondent No.3. This position was not disputed by either side. The said financial support, coupled with the rental and allied protections directed by the learned Single Judge, further ensures that the Appellant and the minor children remain adequately provided for



during the pendency of the proceedings.

19.3 Therefore, this Court is satisfied that the alternate accommodation is neither illusory nor inadequate but reflects a *bona fide* attempt by the Respondents to balance their own rights as senior citizens with the welfare of the children and the Appellant. The Respondents, while seeking restoration of peace in their own home, have nevertheless ensured that the Appellant's lifestyle, safety, and convenience are not compromised.

19.4 This Court finds that the interim arrangement devised by the learned Single Judge is both fair and proportionate. Far from prejudicing the Appellant, it safeguards her welfare and that of the children while simultaneously alleviating the acute distress experienced by the elderly parents-in-law. The contention of the Appellant that she is being displaced without protection is contrary to the record. The arrangement strikes the correct balance by ensuring that her residence and financial needs are protected without compelling the senior citizens to endure conditions harmful to their physical and mental well-being. The law does not require that senior citizen parents should continue to suffer a corrosive domestic environment merely because the daughter-in-law asserts a residence right under the PWDV Act, especially when adequate and dignified alternative arrangements are offered and funded by the parents-in-law themselves.

20. *Re: Interim Mandatory Injunction & Whether the Impugned Order Grants Final Relief*



20.1 The Appellant's principal grievance is that the direction to vacate the suit property amounts to grant of final relief at the interlocutory stage. This Court is unable to accept the submission. The law on interim mandatory injunctions, as crystallised in ***Dorab Cawasji Warden*** (supra), recognises that such relief may be granted when the facts disclose a high degree of assurance that the plaintiff is entitled to relief, the balance of convenience is overwhelmingly in favour of the plaintiff, and withholding relief would result in irreparable harm. The present case satisfies these parameters.

20.2 The status *quo* in the household had become wholly unworkable. The counsellor's report, the police report, the medical documents of Respondent No.2, and the admitted conduct of the parties together demonstrate that continuance of the Appellant in the suit property was directly exacerbating the deteriorating health of Respondent No.2 and creating a volatile environment for the minor children. The learned Single Judge was, therefore, confronted with a situation where preserving the existing status quo would itself have resulted in irreparable injury.

20.3 The Impugned Order cannot be characterised as granting final relief in the suit. CS(OS) 19/2024 seeks a decree of mandatory injunction and permanent injunction; the interim directions at this stage do not adjudicate upon, nor finally determine, the parties' rights. The Appellant's right, if any, to claim residence in the suit property under the PWDV Act or otherwise remains open for determination in appropriate proceedings. The interim arrangement merely ameliorates a vitriolic environment aimed at preventing further harm pending trial.



Most importantly, the interim relief is not punitive. It is compensatory, protective, and reversible. The Appellant retains a secured alternate residence, rent-free, and continues to receive all financial protections. If the suit ultimately fails, the Appellant's rights remain intact. This Court finds no infirmity in the exercise of discretion by the learned Single Judge.

21. *Re: Shared Household Under Section 17 of the PWDV Act*

21.1 The Appellant heavily relies on **Satish Chander Ahuja** (supra) to contend that she cannot be evicted from a “shared household” without full trial. However, the judgment does not create an indefeasible or perpetual right in favour of a daughter-in-law to reside in premises owned exclusively by the in-laws. It clarifies that the right is a right of protection, not ownership, and is subject to balancing of competing rights and factual realities.

21.2 The present case is not a situation where the Appellant is being rendered destitute or homeless. The learned Single Judge ensured that alternate accommodation of a comparable standard is made available at the expense of Respondent Nos.1 & 2. The protection intended under Section 17 of the PWDV Act is, therefore, fully preserved. What is curtailed is only the right to reside *in that particular property* when such residence demonstrably jeopardises the physical and mental health of senior citizens. A “comparable standard” should not be elevated to the level of exactitude or equivalence, by provision of accommodation in another farm house, as was contended.

21.3 Further, the factual complexion here is materially different from



Satish Chander Ahuja (supra). The Appellant herself admits that the atmosphere had become extremely acrimonious. The counsellor's report confirms that cohabitation had reached a breaking point. No statute compels senior citizen parents to endure an environment injurious to their health merely because the daughter-in-law asserts a right of residence, particularly when alternate arrangements are provided. Section 17 of the PWDV Act does not override the rights of aged parents-in-law to live peacefully in their own home. The learned Single Judge correctly harmonised these competing interests. This Court finds no illegality or perversity in such approach.

22. *Re: Feasibility of Separate Floors or Less Intrusive Alternatives*

22.1 The Appellant argues that the suit property consists of independent floors and that she could have been allowed to occupy the first floor while Respondent Nos.1 & 2 resided on the ground floor. This submission is not borne out from the material on record. The counsellor's report clearly notes that the parties frequently interacted in common areas, and the friction was not limited to any particular portion of the house. Incidents of loud arguments, breaking of objects, and hostile exchanges were reported from common areas such as the driveway, kitchen, and passages.

22.2 The learned Single Judge, on the basis of the material before him, recorded a prima facie finding that the suit property is structurally a single residential unit with shared access points and is not configured as self-contained, independently habitable units. The material before the learned Single Judge substantiated that physical



separation within the same premises did not and could not create emotional or practical separation. The Appellant's presence in the house, regardless of floor, was itself the trigger for conflict, tension, and deterioration of Respondent No.2's condition.

22.3 In these circumstances, the learned Single Judge correctly concluded that lesser disruptive measures would be wholly ineffective and would not alleviate the hardship experienced by the elderly parents-in-law. The interim arrangement directing alternate accommodation was, therefore, both necessary and proportionate.

23. *Re: Welfare of the Minor Children*

23.1 The welfare of the minor children is a paramount consideration. The material on record, including orders passed in MAT.APP.(F.C.) 255/2024, indicates that the minor daughter presently resides with the Appellant pursuant to her stated preference, while the minor son has also been placed with the Appellant by subsequent orders.

23.2 The Appellant has not demonstrated that the alternate accommodation would adversely impact the children's routine, schooling or safety. The children continue to study in Pathways School, Gurugram, and the alternate accommodation in Gurugram is geographically aligned with their schooling needs, thereby causing no disruption to their routine. No prejudice to the children's education, commute, or continuity of routine has been demonstrated.

23.3 More importantly, the children's welfare cannot be measured solely by physical amenities but by the emotional and psychological



environment in which the children reside. The counsellor's report records that the high-conflict environment in the suit property had begun adversely affecting them. The Impugned Order insulates them from daily hostility and restores them to a stable residential setting. This Court is satisfied that the arrangement protects, rather than prejudices, the welfare of the minors.

24. *Balance of Convenience & Irreparable Harm*

24.1 When weighed holistically, the balance of convenience lies overwhelmingly in favour of Respondent Nos.1 & 2. They are senior citizens, one of whom is suffering from Parkinson's disease and has medical documentation, which was placed before the learned Single Judge, showing deterioration directly correlated with stress and domestic conflict.

24.2 On the other hand, the Appellant has secured alternate accommodation at no cost, maintenance for herself and the children, and continuity in schooling and lifestyle. No irreparable injury is demonstrated.

24.3 The irreparable harm, medically, emotionally, and practically, is clearly to Respondent Nos.1 & 2 if the Appellant continues to reside in the property. The learned Single Judge rightly protected them.

25. *Allegations of Collusion.* The Appellant's allegation that CS(OS) 19/2024 was collusive and engineered by Respondent No.3 is without substance. Mere proximity in time between Respondent No.3 shifting out of the suit property and the filing of the suit, or the fact



that counsel may be common in some proceedings, does not constitute legal evidence of collusion. The pleadings reveal that Respondent Nos.1 & 2, as aged parents, had been consistently complaining of hostility, disturbances, and deterioration of Respondent No.2's health. Their cause of action stands independent of any matrimonial disputes between the spouses. The suit is founded on their proprietary rights and their right as senior citizens to peaceful residence. The allegation of collusion, therefore, being unsupported by material particulars or evidence, cannot detract from the legitimacy of the relief granted by the learned Single Judge.

26. *Scope of Appellate Interference.* In an Appeal against an interlocutory order, the question is not whether this Court may have taken a different view, but whether the view taken by the learned Single Judge is a possible and reasonable view, supported by material and consistent with settled principles. Where two views are possible, the appellate court ordinarily does not substitute its own opinion. The Impugned Order is based on cogent material: *inter alia*, the counsellor's report, police inputs, medical documentation, admissions of parties, and an evaluation of the practicality of continued and shared cohabitation. The order is carefully structured, protective, and proportionate. No perversity, illegality, or misdirection is demonstrated. Thus, appellate interference is unwarranted.

CONCLUSION & OPERATIVE DIRECTIONS

27. For the foregoing reasons, this Court finds no infirmity, impropriety, or perversity in the Impugned Order dated 09.09.2025



passed by the learned Single Judge. The directions issued therein are balanced, equitable, and necessary in the facts of the case. The arrangement ensures protection of the Appellant and the minor children while simultaneously safeguarding the legitimate rights of Respondent Nos.1 & 2, who are entitled to peaceful residence in their own home.

28. The interim arrangement as set out in paragraph nos.42 to 53 of the Impugned Order shall continue to operate in full force. For completeness, the same are reiterated herein:

“42. Accordingly, the plaintiffs are directed to provide an alternate accommodation to defendant no. 2 on the following terms and conditions:

- i. Rental of Rs. 2.50 lakhs per month with a bi-annual increase of 10%.*
- ii. Security deposit demanded by the landlord to be paid by the 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 no. 2.*
- 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, on actual basis and the electricity/water charges, on actual basis to be borne by the plaintiffs.*
- vi. The plaintiffs will bear the cost of shifting/transportation of the goods of defendant no. 2 from the suit property to the rental property.*

43. The defendant no. 2 will be at liberty to select an apartment of her choice within 30 days from today. The defendant no. 2 may select the apartment in the same Complex where defendant no. 1 is residing or any other Complex or neighbourhood, whether in Delhi or in Gurugram.

44. The rental of Rs.2.50 lakhs per month has been fixed keeping in view the facilities available in the suit property for its residents.

45. In case, the defendant no. 2 fails to select an apartment of her choice within 30 days, the plaintiffs will be at liberty to select an



apartment in Central Park-II township, situated in Sector – 48, Gurugram, Haryana.

46. The defendant no. 2 will vacate the suit property within 60 days from the passing of this order.

47. Defendant no. 2 is hereby enjoined from entering the suit property after expiry of the 60 days. Accordingly, prayer clause (b) of I.A. 546/2024 is allowed.

48. It is made clear that in case, the plaintiffs default in making payments towards rental, etc. as stipulated in paragraph 39 above, resulting in the defendant no. 2's being evicted from the rental property, the defendant no. 2 will be entitled to return the suit property and reside therein.

49. This application also seeks an interim mandatory injunction against defendant no. 1 [son of the plaintiffs] for vacating the suit property. As noted above, it has been stated that the defendant no. 1 has already vacated the suit property and is residing in a flat in Tower No. 24 (N), Apartment No. 12A, Central Park-II, Sector 18, Sohna Road, Gurugram, Haryana. The defendant no. 2 has alleged that this is a collusive suit between plaintiffs and defendant no. 1. This fact has been disputed by the plaintiffs. For the purpose of deciding this application, this Court has relied upon the representation of the plaintiffs that defendant no. 1 is residing separately. The plaintiffs and the defendant no. 1 are accordingly bound down to the said submissions and it is directed that the defendant no. 1 will not shift back into the suit property without seeking prior permission of this Court.

50. The defendant no. 2 contended that relationship between the plaintiffs and defendant no. 1 is cordial. The Court takes note of this fact and does not find this to be any ground for denying the relief of interim mandatory injunction against defendant no. 2.

51. It is directed that the plaintiffs will continue to pay the school fees including tuition fees and all other educational expenses of the grandchildren as averred in the pleadings.

52. Since this is an interim measure and the rights of the defendant no. 2 also have to be protected so as to secure her alternative accommodation, the plaintiffs will not create any third-party interests in the suit property until the final disposal of the suit, by maintaining status quo qua title of the suit property. This direction vis-à-vis the plaintiffs is also in consonance with Section 19(1)(e) of the PWDV Act.

53. The aforesaid arrangement shall continue during the subsistence of the matrimonial relationship between defendant no. 1 and defendant no. 2.”



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29. Accordingly, the present Appeal is dismissed. However, the period of compliances to be made by the parties shall be counted from 01.01.2026.

30. It is clarified that the observations contained in this judgment are *prima facie* and confined to the determination of interlocutory relief. The learned Single Judge shall proceed with CS(OS) 19/2024 uninfluenced by any findings herein and decide the suit on its own merits based on evidence.

31. All the pending applications stand closed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

DECEMBER 08, 2025

jai/pal