



2025:DHC:11027



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

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*Judgment reserved on: 13.11.2025**Judgment pronounced on: 03.12.2025**Judgment uploaded on: 08.12.2025*+ **CRL.REV.P. 162/2017****MOHAR SINGH**

.....Petitioner

Through: Ms. Charu Ambwani,
Advocate alongwith petitioner.

versus

SMT RAM DEVI

.....Respondent

Through: Mr. Zeeshan Diwan, Advocate
(DHCLSC) with Mr. Harsha
and Ms. Ankita Yadav,
Advocates.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present petition, the petitioner is seeking setting aside of the judgment dated 06.02.2016 [hereafter '*impugned judgment*'], passed by the learned District and Sessions Judge, Dwarka Courts, Delhi [hereafter '*Sessions Court*'] whereby the appeal filed by the wife i.e. respondent herein – seeking setting aside of the order dated 28.09.2005 passed by the learned Additional Chief Metropolitan Magistrate, Mahila Court-02, Dwarka, New Delhi [hereafter '*Trial Court*'] – was allowed, and the husband i.e.



petitioner herein was directed to pay sum of Rs.7,000/- per month to the respondent-wife for her maintenance and residential requirements, from the date of filing of the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [hereafter '*PWDV Act*']. The petitioner-husband was also directed to clear the arrears within three months from the date of the impugned judgment, and further to pay a sum of Rs.10,000/- as costs to the respondent-wife.

2. Briefly stated, the facts of the present case are that the respondent-wife had filed a complaint under Section 12 of PWDV Act before the learned Trial Court against the petitioner-husband, Mohar Singh (arrayed as respondent no. 1 therein), and their elder son, Sham Sunder (arrayed as respondent no. 2). The complainant stated that after her marriage with the petitioner, three sons and two daughters were born out of the wedlock. It was alleged that petitioner was a habitual drunkard who would frequently consume liquor and create nuisance in the house. According to the complainant, she endured repeated acts of cruelty at his hands, including beatings, abuses, dragging, and kicking, in the hope that he would eventually reform. She specifically alleged that on 18.09.2011, at about 2:00 p.m., the petitioner assaulted her severely and even struck her on the head with a *danda* with the intention to kill her. As a result, she suffered injuries and was taken to DDU Hospital, where she was treated *vide* MLC No. 19141, which recorded a blood clot in her head. However, being a 'devoted wife' and wishing to preserve the



marriage, she did not lodge any FIR against respondent no. 1. The complainant further alleged that instead of protecting her, her elder son supported the petitioner's actions. It was alleged that he would join the petitioner in consuming liquor and also subject the complainant to vulgar abuses. She stated that at her age (then about 52 years), she was no longer in a position to resist the physical assaults and humiliations inflicted upon her by them. She also asserted that both of them resided with her at House No. RZ-F-903/11, Palam Village, New Delhi, and would occasionally visit their native village at Etah, Uttar Pradesh. In her complaint, the respondent-wife further stated that the petitioner owned the aforesaid house at Palam Village and also possessed approximately 15 bighas of agricultural land in his native village. She alleged that the petitioner was engaged in construction-related work and was earning around Rs. 50,000/- per month, in addition to agricultural income of about Rs. 3,00,000/- per annum. On these averments, she sought monetary relief of Rs. 25,000/- per month towards maintenance and household expenses, compensation of Rs. 5,00,000/- on account of the mental agony and cruelty allegedly suffered by her, and also claimed a share in her husband's immovable property.

3. The petitioner, on the other hand, contended that the respondent-wife had left the matrimonial home of her own accord and that she did not want to take care of him despite his deteriorating health condition.

4. The learned Trial Court, *vide* order dated 28.09.2015, had



dismissed the said complaint filed by the respondent wife, after concluding that the complainant was unable to prove physical, verbal or economic abuse. The relevant portion of the order, with respect to economic abuse, reads as under:

“14. Complainant has also levelled allegations of economical abuse by stating that respondent no.1 damaged the movable property and household goods belonging to the aggrieved person/complainant and sold out the shared household bearing no. RZF-903/11, Raj Nagar, Palam Colony, New Delhi without making any arrangement for the residence of the aggrieved person/complainant. She relied upon photograph of a damaged sealing fan as Ex. CWI/C (Colly.), photograph of a damaged wall of a room, 2 other photographs of a house alleged to be house no. RZF-903/11, Raj Nagar, Palam Colony, New Delhi. Respondent has denied the photographs to be of the property no. RZF-903/11, Raj Nagar, Palam Colony, New Delhi. There is nothing in the photographs to relate it to the property no. RZF-903/11, Raj Nagar, Palam Colony, New Delhi nor is there any proof that the sealing fan or the damaged wall has been caused to be such by the respondents. As such, destruction of movable property of the aggrieved person/complainant by the respondents, stands not proved.

15. There are further allegations that the respondent sold off the shared household RZF-903/11, Raj Nagar, Palam Colony, New Delhi without making arrangements for residence of the aggrieved person/complainant and also without paying any amount to the aggrieved person/complainant out of the sale proceeds. It has come in evidence during cross-examination of RW-1 wherein he has deposed that the aggrieved person/complainant was working and owned a dairy and possessed 10 buffaloes and earn decent amount from sale of milk. These averments have not been denied by the aggrieved person/complainant despite cross-examining RW-1. RW-1, however denied the suggestion that property bearing no. RZF-903/11, Raj Nagar, Palam Colony, New Delhi was purchased out of the contributions made by the aggrieved person/complainant from her earning from the dairy. Aggrieved person/complainant however has not denied that property bearing no. RZF-903/11, Raj Nagar, Palam Colony, New Delhi stood in the name of respondent no.1 and



subsequently sold in the year 2012. Respondent explained the reason for his non-payment of any amount from the sale proceed of such property to the complainant as the refused by aggrieved person/complainant to pay him any amount from the sale proceed of the buffaloes owned by her. RW-1, during his cross-examination, also deposed that one buffalo cost Rs. 45,000/- approximately. Aggrieved person/complainant has not put any suggestion that she did not sell her ten buffaloes or earned decent amount from milk dairy, thereby implying that at the time of sale of such buffalo, aggrieved person/complainant must have received a sum of Rs. 4,50,000/-. Income from agricultural land is also not proved by the complainant.

16. RW-1 further deposed that he had purchased these buffaloes and for the said purpose had also taken a loan of Rs. 80,000/- and the rest of the amount was contributed by his two other sons Shyam Sunder and Gyanender. These averments of RW-1 have also not been denied by the complainant despite cross-examination. In such facts and circumstances, when complainant/aggrieved person was admittedly earning independently out of her own milk dairy and possessed 10 buffaloes worth Rs. 45,000/- each, respondent no.1 owned no legal, social, moral responsibility to have paid any amount to the complainant out of the sale proceed of his property. These averments also demolish the claim of the complainant to a separate or alternative accommodation. Complainant has also failed to prove that the respondent owns 15 bigas of land as alleged by her or is earning Rs. 50,000/- per month as a contractor. It appears that the complainant has exaggerated her allegations as well as her claim beyond the point of a logical belief. She has thus, failed to prove economic abuse upon her by the respondents.”

5. Being aggrieved by the aforesaid order, the respondent-wife had filed an appeal before the learned Sessions Court, who *vide* the impugned judgment dated 06.02.2026, had allowed the appeal by observing as under:

“15. It has been admitted by the respondent in his cross examination that the appellant resided in his house no. RZF-903/11. Raj Nagar Part-II, Palam Village, New Delhi, till the



year 2012 when he sold the same. Therefore, this house was the shared household of the appellant. Admittedly, the respondent did not pay any money to the appellant from the sale proceeds of the house. Therefore, he is liable to make arrangement or to pay money to the respondent for her residential requirements also. Even if it is taken as true that the respondent has sold certain buffaloes and did not pay any money of the sale proceeds to the respondent, it does not affect the right of the appellant to claim alimony or residence from the respondent. There is no evidence on record other than the statement of respondent himself in his cross examination that the appellant had sold these buffaloes. It also appears to be a vague statement of the respondent. He has nowhere stated that as to when did she sell these buffaloes and to whom and for how money. It is also his own statement that one buffalow costs Rs.45,000/-. He has not produced any independent evidence in this regard. Further, the respondent has also not explained what he did to the sum of Rs. 18,50,000/. which he got from the sale of his house. Certainly that amount must be lying with him or he must have purchased some another property out of the same.

16. The respondent denies that he owns any land in his native village except four bighas which he has given for religious work. He has not produced any revenue record or any other evidence to prove how much land he in fact owns in his native village. The fact that he has given four bighas of land for religious purpose, as per his own statement, indicates that he must be owning larger chunk of land, which he is concealing from the court. Therefore, it cannot be doubted that he must be having some agricultural income also.

17. The appellant claims that the respondent is doing work of construction contractor whereby he earns Rs.50,000/- per month. The respondent has neither in his reply to the complaint nor in his evidence by way of affidavit denied specifically that he is doing the work of construction contractor. He has only denied that he earns Rs.50,000/- per month from the construction work which means that he must be earning some money less than Rs.50,000/- from the said work. However, the exact income from the said construction work has not been mentioned anywhere by the respondent.

18. Hence, I am of the opinion that the appellant has fully established her case so far as her claim for alimony and residence from the respondent herein. The Trial Court has erred



in holding that she has failed to establish her claim in this regard. Considering the evidence on record regarding the agricultural land owned by the respondent, the fact that he has sold his house for a consideration of Rs.18,50,000/-, out of which he did not pay any money to the appellant and the fact that he is also earning money from his construction business, I am of the opinion that he is liable to pay a sum of Rs.7,000/- per month to the appellant for her maintenance as well as residential requirements.

19. Resultantly, the appeal is allowed. The impugned order of the Ld. M.M. is hereby set aside. The respondent is hereby directed to pay a sum of Rs.7,000/- per month to the appellant for her maintenance and residential requirements from the date of filing of the application/complaint by her before the Trial Court i.e. 06.2.2012. The respondent shall clear the arrears within three months from today. He shall also pay a sum of Rs.10,000/- to the respondent as costs.”

6. The learned counsel appearing for the petitioner contends that the impugned judgment passed by the learned Sessions Court is unsustainable, and contrary to the evidence on record. It is argued that the learned Sessions Court failed to appreciate that the learned Trial Court had rightly concluded that the respondent-wife could not establish any instance of economic abuse, and the findings of the Trial Court in this regard were fully supported by the material placed on record. It is submitted that the respondent-wife had admitted during trial that she was independently earning her livelihood through a milk dairy business and was in possession of about ten buffaloes worth about Rs. 45,000/- each. The evidence led by the petitioner, including his cross-examination, established that the respondent herein had substantial independent income from the dairy. The Trial Court, therefore, correctly held that the petitioner had no legal, social,



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or moral responsibility to share the sale proceeds of his own property with the respondent-wife, particularly when she herself had sold her buffaloes without contributing any part of the earnings to the petitioner. It is further argued that the respondent-wife had made exaggerated and unsubstantiated claims regarding the petitioner's financial status. She had alleged that the petitioner owned 15 bighas of agricultural land and earned Rs. 50,000/- per month as a construction contractor, in addition to agricultural income of Rs. 3,00,000/- per annum. However, these allegations were categorically denied by the petitioner, who asserted that he owned only 5 bighas of agricultural land which had been given for religious purposes, from which he derived no income. No revenue records or documentary proof were ever produced by the respondent to substantiate her allegations of the petitioner's agricultural landholding or income. The learned Trial Court, therefore, rightly held that the respondent had failed to prove any such income and that her allegations were exaggerated and beyond the realm of credibility. The learned counsel submits that the learned Trial Court had also rightly observed that the photographs filed by the respondent-wife to show alleged damage to the household property were not relatable to the alleged shared household at Raj Nagar, Palam Colony, and there was no evidence to demonstrate that the petitioner had caused any such damage. This finding, too, has not been dealt with or displaced by the learned Sessions Court. It is thus argued that the findings of the learned Sessions Court, holding the petitioner liable to provide monetary



relief and residential arrangements, are based on conjectures and assumptions rather than evidence. The impugned judgment reverses well-reasoned findings of the Trial Court without any legal basis, and therefore deserves to be set aside.

7. *On the other hand*, the learned counsel appearing for the respondent-wife supports the impugned judgment and submits that the learned Sessions Court has rightly corrected the erroneous findings of the Trial Court. It is argued that the petitioner himself admitted in his evidence that he owns agricultural land in his native village, and this admission, noted in the impugned judgment, contradicts his plea of having no agricultural income. It is further contended that the petitioner also admitted that he and the respondent resided together in the property at Palam Village until he sold it in 2012 for Rs. 18,50,000/-, and yet he neither provided the respondent with any alternative accommodation nor paid her any part of the sale proceeds. This, it is submitted, clearly constitutes economic abuse as defined under the PWDV Act. The learned counsel also contends that the allegations regarding the respondent owning ten buffaloes or earning independently from a milk dairy are false, unsubstantiated, and unsupported by any document or witness. These were merely bald assertions made by the petitioner to avoid his liability to maintain his wife, and the Sessions Court has rightly rejected them. It is argued that the respondent-wife has no independent income and is entitled to monetary and residential relief. Therefore, it is argued that the impugned judgment, being based on proper appreciation of



evidence, calls for no interference.

8. This Court has **heard** arguments addressed by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent, and has perused the material available on record.

9. Having considered the record and the submissions of the parties, this Court notes that the learned Trial Court in this case proceeded on assumptions regarding the respondent-wife's alleged independent income from her milk dairy as she possessed ten buffalos, whereas no material was produced to establish that she had ever earned from the alleged dairy business or owned ten buffaloes. On the contrary, the respondent-wife has consistently denied having any such source of income. The petitioner-husband, who asserted these facts, also failed to produce any document or witness in support of his claim. Moreover, this Court also notes that there was no specific statement of the petitioner herein, either in his pleadings or in his evidence by way of affidavit or in his cross examination that the respondent used to milk those buffaloes and used to earn money from the sale of the milk. The averments on behalf of the petitioner-husband that the respondent-wife possessed ten buffaloes which she sold later on, came for the first time in his cross-examination.

10. This Court further observes that the petitioner-husband admitted in his evidence that he and the respondent-wife resided together in the shared household bearing No. RZ-F-903/11, Raj



Nagar, Part-II, Palam Colony, till the year 2012. He further admitted that he had sold this property in 2012 for a sum of ₹18,50,000/-. Despite selling the shared household, the petitioner neither made any arrangement for the respondent's residence nor paid her any amount from the sale proceeds. The petitioner also did not disclose how this substantial amount of money was utilised by him. These facts have remained undisputed. The relevant portion of his evidence is extracted hereunder:

“I do not make any arrangement for residence of Ram Devi after the selling of my property in the year 2012. (Vol. Ram Devi took the original documents of the abovesaid property and started residing separately from me but I cannot tell the address and location where she started residing.) I never received back the original ownership documents of the abovesaid property from Ram Devi till date and sold the said property on the basis of photostate true copy to the buyer in the sum of Rs. 18,50,000/-. I did not pay any money out of Rs. 18,50,000/- to Ram Devi at any point of time.”

11. The petitioner has further pleaded that he owns only about four bighas of agricultural land which has been given for religious use. However, no revenue record, certificate, or no supporting documents have been filed to substantiate this claim. The learned Sessions Court has rightly held that the petitioner has failed to establish his alleged lack of agricultural income. In contrast, the respondent-wife has consistently asserted that the petitioner possesses agricultural land in his native village and earns from both agricultural activities and construction-related work. These assertions were met only with bare denials from the petitioner without any proof. In this regard, the



learned Sessions Court has also observed that the petitioner had not specifically denied, either in his reply or in his evidence by way of affidavit, that he was engaged in construction work. His only denial was limited to earning ₹50,000 per month from such work, which indicated that he must be earning some amount from this activity, though he has chosen not to disclose the exact figure. The learned Sessions Court, therefore, correctly drew an adverse inference against the petitioner.

12. Under Section 3 of the PWDV Act, the “economic abuse” includes: (a) deprivation of financial or economic resources to which the aggrieved woman is entitled, including maintenance and residence; (b) alienation or disposal of assets or property in which she has an interest or which she is entitled to use; and (c) restricting or prohibiting continued access to the shared household or other resources.

13. When the elements of Section 3 are examined and applied to the present case, the conduct of the petitioner-husband clearly falls within the scope of *economic abuse*. The shared household in Palam Village was admittedly the residence where both parties lived for several years. Once the petitioner sold this property, he was obliged, at the very least, to make an arrangement for the respondent’s residence or provide her a reasonable share of the sale proceeds. His categorical admission that he neither paid anything to her nor provided any alternative residence amounts to depriving her of a basic economic resource, i.e. a roof over her head, which she was



entitled to use by virtue of the domestic relationship. Further, the petitioner's unexplained disposal of the shared household for a significant consideration of ₹18,50,000/-, without ensuring the respondent's residential security or financial support, squarely attracts Section 3(iv)(b) of the PWDV Act. His conduct also attracts Section 3(iv)(c), as he effectively denied the respondent continued access to the shared household.

14. In view of the above, this Court finds that the learned Sessions Court has correctly appreciated the evidence and rightly concluded that the respondent-wife was subjected to *economic abuse*. The direction to the petitioner to pay monthly maintenance and provide for the respondent's residential requirements is justified and calls for no interference by this Court.

15. The petition is accordingly dismissed.

16. The petitioner is directed to clear all arrears of maintenance within a period of two months and to continue to pay the maintenance to the respondent as directed by way of impugned judgment.

17. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 03, 2025/ns

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