

**IN THE COURT OF SH. ANKUR JAIN-I
ADDITIONAL SESSIONS JUDGE-04:CENTRAL,
TIS HAZARI: DELHI**



CA No.: 268/2023
CNR No.: DLCT01-015242-2023

**1. ANITA KUMARI
W/O Ramesh Kumar
R/o H.No.59,B-Block, Gali No2
Shastri Park, Utrakhand Enclave,
Burari-Delhi-110084**

.....Appellant.

VERSUS

**1. Sh. Ramesh Kumar
S/o Sh. Bhala Ram
R/o Qtr. No. 3/3 Police Colony
Model Town Delhi-110009**

**2. Sh. Bhala Ram
S/o late Sh. Nuhanda Ram (deceased)**

**3. Smt.Sulochana
Mother in law
W/o Sh.Bhala Ram**

**Both R/o Vill- Janau Mithi
P. S-Hamirwas, Distt-Churu (Rajasthan)**

**4. HC. Pramila
W/o Const. Sunil
Belt No. 588/PTC, PIS No.28062052
(Through Principal PTC) Jharoda Kalan**

**Also at Qtr.No.P-18, New Police Line
Kingsway Camp-Delhi**

5. Const. Suman
W/o Sh. Vikas
S/o Balbir Singh Punia
Vill & PO - Thirpali Badi
Tehsil - Rajgarh, Distt- Churu
Rajasthan-330135

ALSO AT

W/C Suman Belt.No.2239
O/O Deputy Commissioner
HQ, Nagar Nigam, Lal Kothi
Jaipur-302015

.....Respondents.

Date of institution of Appeal	:	26.10.2023
Date on which Order reserved	:	02.06.2026
Date on which Order pronounced	:	09.06.2026
Final Order	:	DISMISSED

ORDER

1. This is an appeal filed under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as D.V. Act) against the order dated 16.09.2023 passed by Ld. MM-03(Central) (Mahila Court) in CC No. 1719/2017 titled as Anita Kumari Vs. Ramesh Kumar whereby the Ld.Trial Court has declined to grant the right of residence qua her matrimonial house.

2. The brief facts of the case are that the marriage between the appellant and respondent no. 1 was solemnized on 19.05.2008 at Churu, Rajasthan and out of the wedlock one child was born on 26.06.2014. It is stated that respondent no. 1 and his family was very greedy and demanded dowry. On 07.04.2009

appellant was selected in Delhi police and started living with respondent no. 4 i.e. Woman Ct. Parmila at her Govt. accommodation. It is the case of appellant that respondent was treated with utmost cruelty and matrimonial dispute started between the parties. Respondent no. 1 filed a petition under Section 13(1)(1a) for Dissolution of Marriage. The appellant filed the present complaint in February 2017.

3. Notice was issued in the application and respondent no. 1 filed his reply. On 06.08.2022 the application u/s 17 and 18 of DV Act for Residence and Protection order came to be filed and vide the impugned order the same was dismissed. Hence, the present appeal.

4. Ld. counsel for the appellant herein submits that the order dated 16.09.2023 is illegal as right of residence has been denied. It is submitted that the right of residence is one of the essential rights as the property/matrimonial house is a shared household and was being used as a Hindu undivided family. It is stated that during the death of the father-in-law the appellant had stayed in the matrimonial house for about 15 days and as such she has the right in the matrimonial house which is in Churu, Rajasthan.

5. On the other hand Ld. Counsel for the respondent submits that the present complaint was filed as a counter blast to the petition seeking annulment of marriage filed by respondent no. 1. It is submitted that even at that time the appellant had not sought any right of residence. It is only by way of subsequent application after almost about 5 years the present application came to be filed. It is submitted that there is no illegality or

perversity in the order of the Ld.Trial Court.

6. I have heard Ld. Counsels for the parties and perused the record.

7. The appellant is aggrieved by the order dated 16.09.2023 where the relief of right to residence qua her matrimonial house was dismissed. The application u/s 12 of D.V. Act reveals, that the marriage was solemnized between appellant and respondent no. 1 on 19.05.2008 at Churu, Rajasthan. The affidavit on behalf of appellant filed in compliance of the judgment of ***Rajnish Vs. Neha & Ors. (2021) 2 SCC 324*** reveals that separation took place on 04.01.2015. The pleadings further reveals that after getting selected in Delhi Police appellant shifted to the Govt. accommodation allotted to respondent no. 4 who is the sister-in-law (nanad). The appellant had thus left her matrimonial home in 2009, after getting selected in Delhi police. After separation she is residing in a rented accommodation, the appellant is confusing the right of residence with the right in the property. The object of the Act was to provide for the right of the women to secure housing and to provide the right to reside in a matrimonial home or shared household in case she is destitute. In the facts of the present case she had left the matrimonial house long back, she being a Govt. Servant is fully entitled to seek Govt Accommodation. It is nowhere her case that she had applied for the Govt. Accommodation which was never granted to her. It remains unclear as to why she is seeking a right to reside in the matrimonial house that is based in Churu, Rajasthan, when she is essentially working in Delhi Police and residing in Delhi. The application came to be filed almost after 5 years which it itself

suggest that she did not require any immediate relief for housing. The appellant is misusing the provisions of law for her own benefit and is trying to create pressure upon respondent to give into her demands.

8. Accordingly, appeal stands dismissed subject to cost of Rs. 50,000/- out of which Rs. 25,000/- shall be deposited with Advocate's Welfare Fund, at Tis Hazari Courts and Rs. 25,000/- shall be paid to respondent no. 1. The cost be paid before the Ld. Trial Court.

9. The TCR along with the copy of this order be sent to Ld. Trial Court for information and necessary action.

10. Appeal file be consigned to Record Room.

**Announced on
this 09th day of June, 2026**

**(ANKUR JAIN-I)
ASJ-04/CENTRAL/DELHI
09/06/2026**

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