

**IN THE COURT OF MS TWINKLE WADHWA,  
ADDITIONAL SESSIONS JUDGE-02, NORTH-EAST  
KARKARDOOMA COURTS, DELHI.**

**CA No. 14/2026**

**Khushnuma**

D/o Late Sh. Amir Hassan  
W/o Sh. Afzal Ahmed  
R/o C-129, Gali No. 1,  
C-Block, Chand Bagh,  
Delhi-94

...Appellant

Versus

- 1. Afzal Ahmed**  
S/o Late Haji Masitulla
- 2. Rashid**  
S/o Late Haji Masitulla
- 3. Nasreen**  
W/o Sh. Rashid
- 4. Rohin**  
D/o Rashid
- 5. Rahil**  
S/o Rashid
- 6. Rushan**  
S/o Rashid
- 7. Shakir**  
S/o Late Haji Massitulla
- 8. Rashida**  
W/o Shakir

**9. Javed**

S/o Late Haji Massitulla

**10. Nazia**

W/o Javed

**11. Khurshida Bano**

W/o Late Haji Masitulla

**All R/o**

H.No. 609, Street No. 8,

Rajiv Gandhi Nagar, New Mustafabad

Delhi-110094

...Respondents

Date of assignment	: 23.01.2026
Date of Arguments	: 21.05.2026
Date of Pronouncement	: 25.05.2026
Conclusion	: Dismissed.

**JUDGMENT**

1. The present appeal has been filed against the order of Ld. Mahila Court dt. 11.12.2025 by way of which respondent no. 4 to 11 were deleted from the array of parties.

2. In brief, the facts of the case are that marriage of appellant/complainant was solemnized by way of Muslim Rites and Ceremonies on 14.05.2022 and they are residing separately since 01.11.2025. It is pertinent to mention here that respondent is physically challenged and both his legs do not work due to

polio, hence he has disability from both of his legs, however, he is a government servant. He is a government school teacher with qualification of PG in political science. On the other hand, complainant is also well educated. She has done masters in public administration and was stated to be working before marriage.

3. The detailed facts of the case are mentioned in the complaint and were also discussed by Ld. JMFC (Mahila Court) and its detailed order dt. 11.12.2025, hence they are not reproduced herein again. It is the argument of Ld. counsel for appellant that it is an erroneous observation by Ld. Trial Court that there are no specific allegations against respondent no. 4 to 11 due to which they have been deleted from array of parties. It is submitted that there are specific allegations against each respondent, how they used to torture the complainant, how they used to demand of dowry. It is submitted that Ld. Trial Court is not supposed to do a mini trial at the pre-trial stage which is impermissible in law. It is submitted that Ld. Trial Court failed to appreciate the various incidents of verbal abuse, emotional abuse, humiliation and taunts mentioned in the complaint. It is submitted that it is the incident fall within the definition of domestic violence as defined in section 3 of the DV Act. It is submitted that at the threshold stage, the Court is only required to examine whether pleadings disclose a prima facie case or not. It is submitted that Ld. Trial Court has categorically recorded not only that kitchen was common and that respondents were

residing in the same shared household yet deleted several respondents from the array of parties, such approach is self contrary. It is submitted that the concept of shared household is to be construed broadly.

4. On the other hand, Ld. counsel for the respondent submits that he has 78 per cent disability. Both his legs do not work and he walks with the help of clutches. His mother is an old lady who is a cancer patient is on the bed. It is further submitted that after marriage, appellant resided with her husband on ground floor for the reason that he is handicapped and cannot climb. It is submitted that three brothers of respondent are residing on the above three floors with their wives and children. The children of eldest brother are married, even they have been implicated herein. It is further submitted that allegations of domestic violence have been made against children of elder brother of respondent even. It is submitted that complainant had married the respondent for only reason, that he was financially well off. He was a Government Servant whereby earning handsome amount. It is further submitted that parents of complainant are not alive, she has three brother and four sisters. All the sisters are residing with their brothers only in their parents' house. Complainant is well educated beautiful lady who married a handicapped person for the sake of money. Her purpose is only to torture the entire family so money could be extracted. It is further submitted that kitchen of all the brothers are different and they never had a common kitchen.

5. Heard the submissions from both the sides and perused the record.

6. The first question is who can file a case under the Domestic Violence Act and against whom. The complaint under the Domestic Violence Act can be filed by an aggrieved person as per the scheme of the Act. An aggrieved person is one who has lived in a domestic relationship in a shared household with the respondent. The next question is what is a shared household between the complainant and the respondents. It was observed by the Ld. Trial Court that it was stated by the complainant in her examination under Section 165 of the Evidence Act by the Court on 11.12.2025 that there was a common kitchen and hence it was a shared household. However, the Court has to assess the veracity of the truth from the pleadings in the complaint and not merely on the basis of the statement made by the complainant before the Court u/s 165 Evidence Act statement.

7. A perusal of the entire complaint filed on behalf of the complainant reveals that nowhere in the detailed pleadings has it been specifically averred that the premises in question constituted a shared household or that there existed a common kitchen amongst the family members. Ordinarily, when persons reside together as a joint family in a shared household, there are common arrangements regarding day-to-day affairs, including sharing of household responsibilities, expenses, and other aspects of family life. However, in the present complaint, there is no

averment whatsoever indicating that the parties were residing together as a joint family. There is no specific assertion that all four brothers, despite residing on separate floors, were living together as a single family unit. On the contrary, it was submitted on behalf of the respondents during the course of arguments that respondent No. 1, being physically handicapped, was residing on the ground floor, whereas his three brothers were residing separately on different floors with independent kitchens and separate arrangements.

8. It has only been stated by the complainant in paragraph No. 9 of the complaint that she used to visit the kitchen and that all the respondents used to quarrel with her therein. However, there is no specific pleading anywhere in the entire complaint that the kitchen was common or jointly used by all family members. In the event of a common kitchen existing, it was incumbent upon the complainant to specifically plead the same and to furnish particulars regarding the manner in which the kitchen expenses were being shared and borne amongst the family members. Admittedly, there is no material on record to indicate any joint source of income amongst the respondents. It is not disputed that the three brothers of the respondent were engaged in private work independently, whereas the husband/respondent of the complainant alone was employed in a government job obtained under the disability quota. It is a matter of common knowledge that in metropolitan cities like Delhi, owing to space constraints and practical considerations, brothers

often reside on different floors with their spouses and children of the same building while maintaining separate kitchens and bearing their respective household expenses independently.

9. In such circumstances, when the complainant seeks to contend that all four brothers along with their respective families were residing together in a shared household as one family unit, it was necessary for her to provide specific details regarding the manner in which household and kitchen expenses were being incurred, the nature of common expenses allegedly shared amongst the family members, and the arrangement under which such expenditure was being borne. Particularly, where a large family consisting of four brothers, their spouses, and children is alleged to have been residing together as one household, such material particulars ought to have been specifically pleaded and brought on record.

10. A perusal of the pleadings in the present matter reveals that there are only allegations against the respondents alleging commission of acts constituting domestic violence. However, for the purpose of maintaining a complaint under the provisions of the Domestic Violence Act, one of the primary requirements is the existence of a domestic relationship and a shared household between the parties. In the absence of any specific averments in the complaint regarding the existence of a shared household, including a common kitchen and joint domestic arrangements, a mere statement made during

examination under Section 165 of the Indian Evidence Act before the Court would not, prima facie, be sufficient to establish the existence of a shared household.

11. It is pertinent to mention that allegations of violence may be relevant for the purpose of other offences arising out of matrimonial disputes, including proceedings under Section 498A IPC. However, so far as a complaint under the Domestic Violence Act is concerned, the same cannot with stand unless a shared household and domestic relationship are established.

12. In these circumstances, there is no infirmity in the order passed by the Ld. Trial Court and the same is hereby upheld.

### **Conclusion**

13. In view of above discussion, the appeal is hereby **dismissed**. The order of Ld. Trial Court is hereby upheld.

14. **Appeal file be consigned to record room.**

**Announced in open court  
today on 25.05.2026**

**(TWINKLE WADHWA)  
Additional Sessions Judge-02  
North-East, Karkardooma, Delhi**