

IN THE COURT OF SH. RAVINDER SINGH-II
ADDL. SESSIONS JUDGE-05
DWARKA COURTS: NEW DELHI

CR No. : 132/2026

CNR No. DLSW01-002908-2026

1. Smt Apoorva Yadav
W/o Sh Nitish Malik
D/o Lt. Sh R.K Yadav
R/o DG 3/7, Paryavaran Apartments
Vikas Puri, New Delhi – 110018

2. Ms Meeschka Malik
D/o Smr Apoorva Yadav
R/o DG 3/7, Paryavaran Apartments
Vikas Puri, New Delhi – 110018

.... Revisionists

VERSUS

Sh Nitish Malik
S/o Sh Pramod Malik
R/o Villa No. 9, Airport Green Dew Homes
Athani Temple Road, Kerala

.. Respondents

Date of institution of the case : 24.02.2026

Date of pronouncement of order : 20.07.2026

ORDER

1. *Vide this order, I shall decide the present revision petition only to the extent it challenges the order dated 27.01.2026 passed by the Ld. JMFC, Mahila Court-04, South-West District, Dwarka Courts, New Delhi, directing the respondent / Nitish Malik to hand over the old Honda Accord car bearing Registration No. AR02-B-5141 to the revisionist No. 1/Apoorva Yadav.*

2. In the present revision petition, the revisionists have challenged two separate orders, both dated 27.01.2026. One

order relates to the grant of interim maintenance of Rs. 10,000/- for the minor child/ revisionist no. 2/ Meeschka Malik, whereas the other pertains to the handing over of the aforesaid vehicle by the respondent to the revisionist no. 1/ Apoorva Yadav. The present order is confined only to the challenge relating to the handing over of the Honda Accord car by the respondent to the revisionist no. 1/ Apoorva Yadav. The challenge to the order concerning interim maintenance shall be considered separately after hearing the parties in this regard.

3. Before advertng to the grounds of challenge raised by the appellant in respect of the aforesaid impugned order which is under consideration, it is imperative for this court to briefly go through the factual matrix of the main complaint filed by the revisionists before the Ld Trial Court.

4. The revisionist no. 1/ Apoorva Yadav for herself and on behalf of her minor daughter/ revisionist no. 2 have filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (*herein after said as DV Act*) along with an application under Section 23(2) of the DV Act, against her husband and his family members. The parties were married on 16.02.2017 and a girl child / revisionist no. 2 was born from their wedlock. The revisionist no. 1/ Apoorva Yadav has levelled various allegations of domestic violence, cruelty, harassment and withholding of her articles and assets in the said complaints filed by the revisionist no. 1/ Apoorva Yadav against the respondent before the Ld Trial Court. Amongst other reliefs, the revisionist no. 1/ Apoorva Yadav specifically has sought return of her

streedhan and other belongings stated to be in the possession and control of the respondent and his family members. In the list of articles filed along with the complaint, the revisionist no. 1/ Apoorva Yadav had included the old Honda Accord car bearing Registration No. AR02B-5141 as an article belonging to her. She has specifically stated that the said Honda Accord car was her movable property and was in the custody of the respondent.

5. During the pendency of the proceedings, respondent moved an application before the Ld. Trial Court seeking directions regarding the handing over of the said Honda Accord car to the revisionist no. 1/ Apoorva Yadav. The revisionist no. 1/ Apoorva Yadav opposed the application, *inter alia*, on the grounds that the vehicle was of the year 2007 and the same is a petrol vehicle older than 15 years and could not be driven in Delhi-NCR. It was further contended that the revisionist no. 1/ Apoorva Yadav did not have the financial resources to bear its transportation expenses and that the respondent had filed the application only to manipulate his assets and liabilities for the purpose of determination of maintenance.

6. It was further contended by the revisionist no. 1/ Apoorva Yadav that an earlier application moved by her under Section 151 CPC, seeking return of her articles including the said vehicle, had been dismissed vide order dated 23.05.2025. She also alleged that continued use of the vehicle by respondent had caused depreciation in its value and that she should be permitted to send an authorized person to dispose of the vehicle at its present location.

7. *Now coming to the impugned order dated 27.01.2026*, the Ld. Trial Court vide the impugned order directed that the aforesaid Honda Accord car be handed over to the revisionist no. 1/ Apoorva Yadav. Aggrieved thereby, the present revision petition has been preferred by the revisionist no. 1/ Apoorva Yadav.

8. Ld. Counsel for the revisionist has submitted that the application moved by respondent was not maintainable under the provisions of the DV Act, since the reliefs contemplated under the Act are intended for the aggrieved woman and not for the respondent. It is further submitted that the vehicle cannot lawfully be driven in Delhi-NCR owing to its age and that its transportation would cause unnecessary financial burden upon the revisionist no. 1/ Apoorva Yadav.

9. It is also argued that the application was filed by respondent only to remove the vehicle from the disclosure of his assets and to reduce his apparent financial liability in the maintenance proceedings. *Accordingly, it is prayed that the impugned order be set aside.*

10. *Conversely*, Ld Counsel for the respondent argued that the vehicle admittedly belongs to the revisionist no. 1/ Apoorva Yadav and is also registered in her name. It is argued that once the revisionist no. 1/ Apoorva Yadav herself claims ownership of the vehicle and has sought return of her belongings, she cannot simultaneously compel respondent to continue retaining the vehicle. It is submitted that the impugned order merely facilitates restoration of the revisionist's own property to her and does not

suffer from any illegality. Accordingly, it is prayed that the impugned order dated 27.01.2026 passed by Ld Trial Court qua the Honda Accord Car be set aside.

11. I have heard the submissions of the Ld. Counsel for the parties and further I have carefully perused the Trial Court Record and the impugned order.

12. At the outset, it is trite to say that the scope of revisional jurisdiction under Section 397 Cr.P.C. / Section 440 of the BNSS, 2023 is limited. The revisional court is not expected to re-appreciate evidence or substitute its own view merely because another view is possible. Needless to say that interference is warranted only where the impugned order suffers from patent illegality, perversity, non-application of judicial mind or material irregularity in exercise of jurisdiction or results in manifest miscarriage of justice. The revisional jurisdiction of the Court is only confined to examining the correctness, legality, propriety of the impugned order.

13. In the present case, it is the revisionist's own pleaded case that the Honda Accord car belongs to her. She included the vehicle in the list of articles claimed by her and also disclosed it as her movable asset in her income affidavit and stated that the same is in custody of the respondent. Further in the income affidavit the revisionist no. 1/ Apoorva Yadav has also stated to be incurring expenditure on the insurance of the said vehicle held by the respondent in his possession. It is further also not disputed that the registration record of the vehicle reflects the revisionist

no. 1/ Apoorva Yadav as its registered owner.

14. Thus, the Ld. Trial Court, by directing the respondent to hand over the vehicle to the revisionist no. 1/ Apoorva Yadav, has merely directed restoration of an article which the revisionist no. 1/ Apoorva Yadav herself claims to own. Such a direction cannot ordinarily be said to cause any legal prejudice to the revisionist.

15. The contention that respondent has moved the application to alter the disclosure of his assets or reduce his maintenance liability does not render the direction illegal. If the vehicle belongs to the revisionist no. 1/ Apoorva Yadav and stands registered in her name, its retention by respondent cannot be insisted upon merely for the purpose of treating it as his asset in maintenance proceedings. The question of the income and assets of the respective parties has to be independently assessed on the basis of the material placed before the Ld. Trial Court.

16. Further the objection raised by revisionist no. 1/ Apoorva Yadav that the vehicle is more than 15 years old and cannot be driven in Delhi-NCR also does not invalidate the impugned order. The direction is for handing over possession of the vehicle and does not necessarily require it to be driven into Delhi in violation of any statutory or regulatory restriction. The revisionist no. 1/ Apoorva Yadav may take possession through an authorized representative, arrange transportation through lawful means or seek appropriate directions regarding its disposal at the place where it is presently situated.

17. Similarly, the questions relating to transportation expenses, valuation, alleged depreciation and the manner in which possession is to be delivered concern the modality of compliance. These issues may be placed before the Ld. Trial Court for suitable directions but they do not furnish a ground for setting aside the substantive direction requiring the respondent to hand over the revisionist's own vehicle.

18. Furthermore, the reliance placed upon by the revisionist no. 1/ Apoorva Yadav on the earlier order dated 23.05.2025 also does not advance the case of the revisionist no. 1/ Apoorva Yadav. Nothing placed before this Court shows that the said order conclusively adjudicated the title of the vehicle in favour of respondent or prohibited its subsequent restoration to the revisionist. The impugned order is based upon the admitted ownership of the revisionist no. 1/ Apoorva Yadav and the subsequent request for handing over the vehicle made by the respondent.

19. It is also significant that the revisionist no. 1/ Apoorva Yadav, while opposing the application before the Ld. Trial Court, did not dispute her ownership of the vehicle. On the contrary, she prayed that she be permitted to send an authorized person to sell the vehicle at its present location. The said stand itself acknowledges her right to receive possession and deal with the vehicle.

20. In these circumstances, this Court finds no illegality, perversity or jurisdictional error in the order dated 27.01.2026, insofar as it directs handing over of the Honda Accord car to the

revisionist. *Accordingly, the present revision petition, to the extent it challenges the order dated 27.01.2026 concerning the handing over of the Honda Accord car bearing Registration No AR02B-5141 to the revisionist no. 1/ Apoorva Yadav is hereby dismissed.*

22. It is clarified that the revisionist no. 1/ Apoorva Yadav shall be at liberty to take possession of the vehicle personally or through a duly authorized representative and to seek appropriate directions from the Ld. Trial Court regarding the lawful manner and modality of its delivery, transportation or disposal.

23. The present revision petition shall remain pending only with respect to the challenge to the separate order dated 27.01.2026 concerning grant of interim maintenance to the minor child/ revisionist no. 2.

25. Put up for arguments on the remaining aspect of the revision petition on 31.08.2026.

Nothing observed in this order shall be construed as an expression on the merits of the parties claims regarding interim maintenance or any other relief pending before the Ld. Trial Court.

Copy of this order be given Dasti to the parties and be also sent to Ld Trial Court for information.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/20.07.2026