

**IN THE COURT OF SH. JAGMOHAN SINGH
ADDITIONAL SESSIONS JUDGE – 03
NORTH DISTRICT, ROHINI COURTS, DELHI**

CNR No. DLNT01-001415-2026

Crl. Appeal No. 32/26

1. Manish Kumar Maan
S/o Balbir Singh Maan

2. Balbir Singh Maan
S/o Late Harkishan

3. Raj Bala
W/o Balbir Singh Maan

All R/o H.No.I-5/9, Sector-16,
Rohini,
New Delhi – 110089

Also at
H.No.89, Gohana, Sector-7, Sonipat, Haryana

..... Appellants

Vs

Monika Dabas
D/o Ramesh Dabas
W/o Manish Kumar Maan
R/o Village Madanpur Dabas,
P.O. Ranikhera, North-West,
Delhi – 110081

Also at H.No.I-5/9, Second Floor,
Sector-16, District North-West,
Rohini, Delhi – 110089

.....Respondent

Date of institution	:	06.02.2026
Arguments concluded on	:	19.03.2026
Date of Order	:	19.03.2026

JUDGMENT

1. Vide this judgment, this Court shall decide the instant appeal filed by appellants (respondents before the Ld. Trial Court) against the impugned order dated 21.01.2026 passed by the Court of Ld. JMFC, Mahila Court-01, North District, Rohini Courts, Delhi, in complaint case bearing No.1158/2025 titled Monika Dabas vs. Manish Kumar Maan whereby the application filed by the appellants herein seeking vacation of stay granted vide order dated 27.05.2025 of the Ld. Trial Court was dismissed.

Brief facts

2. Respondent Monika Dabas is wife of appellant No.1 Manish Kumar Maan and daughter-in-law of Balbir Singh (Appellant No.2) and Raj Bala (Appellant No.3). She filed a petition under Section 12 DV Act before the Ld. JMFC, Mahila Court-01, North District. A copy of order dated 27.05.2025 of the Ld. Mahila Court is on record, as per which the Ld. Counsel for complainant (respondent herein) sought urgent relief on her behalf for not dispossessing her from her matrimonial home and also seeking directions to the respondents (appellants herein) not to create any third party interest in the matrimonial home till the next date of hearing. The said prayer was allowed by the Ld. Mahila Court, in the following terms :-

“Respondents are directed no to create any third party interest in the matrimonial home bearing no.H.No.I-5/9, Sector-16, Rohini, New Delhi and not to dispossess the complainant from matrimonial home, if she is residing in the matrimonial home

currently, till next date of hearing”.

3. The appellants herein filed an application before the Ld. Mahila Court seeking vacation of the abovesaid stay. The said application was adjudicated vide impugned order dated 21.01.2026 by the Ld. Mahila Court and was declined with the following observations :-

“6. The present application has been filed by the respondent seeking vacation of the stay granted vide order dated 27.05.2025. It is the contention of the respondent that the property bearing number H.No. 1-5/9, Sector-16, Rohini, Delhi cannot be construed as a shared household as the complainant has already left the said place, On the contrary, it is the contention of the complainant that she alongwith her minor daughter is residing in the abovesaid matrimonial house and her right to residence be protected. No evidence has been brought forth to the contrary i.e. to suggest that the complainant is not residing at the said place and even otherwise as per the contents of the petition the said property falls within the ambit of the shared household. Also, a statement was furnished by the complainant today, and her current status as on date is that she is resident of the abovesaid property. Thus, the contention of the respondent that the said property cannot be termed as a shared household, does not hold any substance. Accordingly, in order to protect the right to residence of the complainant, there is no ground as on date to vacate the order dated 27.05.2025. Thus, the said application is hereby dismissed.”

4. The present appeal impugnes the abovesaid order of the Ld. Mahila Court.

Grounds of appeal

5. **Sh. C.M. Sangwan, Ld. Counsel for the appellants**

has assailed the impugned order on the following grounds :-

(i) The impugned order of Ld. Trial court is highly erroneous, unlawful & improper as the Ld. Trial Court has not correctly appreciated the facts of the case and passed the impugned order in haste without any application of judicial mind.

(ii) Ld. Trial court failed to appreciate that the house no.I-5/9, Sector-16, Delhi, cannot be treated as shared/matrimonial home because as narrated above, the respondent has already left the company of the appellant no. 1 in the month of January 2025 and has been living at her parental home out of her own free will and consent and despite various efforts made by the appellant no.1, she chose not to join the company of appellant no. 1.

(iii) Ld. Trial has failed to consider that on 27.05.2025, the respondent wrongly sought the said relief and mislead and suppressed the material fact and did not disclose before the Id. Trial court that she already left that house as well as company of the appellant no. 1. It is also not out of place to mention here that the aforesaid order was passed in the absence of the appellants and as such, they could not tell the real and actual facts before the Id. Trial Court.

(iv) Ld. Trial court failed to appreciate that the respondent herself is not an aggrieved lady and is posted as Sub-Inspector in Delhi police and is a very influential and powerful lady and she left no stone unturned in harassing and humiliating the appellants.

(v) Ld. Trial Court has failed to consider that the respondent has already left the company of the appellant no.1 in the month of January 2025 and has been living at her parental home out of her own free will, but later on, on coming to know about filing of the divorce petition and a complaint by the appellant no. 1 and 2 respectively, she along with her associates rushed to the house of the appellants in order to grab the said house and 22.05.2025, she along with her associates made a deliberate attempt, to forcibly enter in the house, but could not succeed and on 23.05.2025, she succeeded in forcibly entering the said house forcibly and grabbed the entire house, which is not permissible under law. Presently, the appellants have been living in another house of some relatives.

(vi) Ld. Trial Court has failed to consider that respondent actions of leaving the house of appellants including the minor child, reflect a complete detachment from the family and child, and her sudden interest in property is an afterthought aimed at property control, not welfare or residence.

(vii) Ld. Trial Court has failed to consider that after the marriage, the respondent along with appellant no.1 has forcibly entered at second floor of the house only, but the stay was granted in respect of the entire house and at present, the respondent has already grabbed the entire house by hook and crook.

(viii) Ld. Trial court has failed to appreciate that the respondent is a Sub-Inspector in Delhi Police and is claiming House Rent Allowance from the Department in respect of a house situated in Najafgarh, Delhi, where she claims to be residing and she did not need any shared household or alternate accommodation.

(ix) Ld. Trial Court has failed to consider that on 22/05/2025, the

respondent herself lodged a GD entry in respect of not allowing her to enter in the house, which itself shows that she has already left the said house and has nothing to do with the said house.

(x) Ld. Trial Court has failed to appreciate that FIR in respect of forceful entry in the house of appellants and in respect of snatching/kidnapping the child have already been registered against the respondent and his associates, which itself supports and strengthen the version of the appellants about the conduct of the respondent.

(xi) Ld. Trial court has failed to consider that the respondent has already broken the CCTV cameras installed in the house and did not allow the engineer to re-install the said cameras which are only for the safety and security of the house/its residents and this itself shows the bad intention of the respondent to grab the valuable house of the respondent.

(xii) Ld. Trial Court has also failed to appreciate that at present, the respondent has not been residing in the said house and she occasionally used to visit the said house once within 15 days.

(xiii) Ld. Trial court has failed to consider that several complaints regarding breaking of locks/doors and regarding taking away the valuable articles of the appellants by the respondent and her associates, have already been lodged with the police and this itself shows the conduct and intention of the respondent.

(xiv) Ld. Trial Court failed to appreciate that by way of a ThatLd complaint dated 13/05/2025 address to SHO K.N Katju Marg against the respondent Monika, Yash @ Menu Dabas(Brother), Ramesh Dabas (father) and Sudhesh (mother), the appellant no. 2 had already shown his apprehension that respondent Monika and

her family members can forcefully enter in his house, which the respondent did, but no such finding on this aspect has been given.

(xv) Ld. Trial court has failed to consider that property bearing no. I-5/9, Sector-16, Rohini, Delhi, is/was not a shared household property for the parties at any point of time and as such, Ld. Trial court has not empowered to pass a restraint order for the said house. The Respondent has taken shelter forcefully on 23/05/2025 on the second floor of property bearing no. I-5/9, Sector 16 Rohini, Delhi but Ld. Trial Court fail to considered that aspect and not vacate the stay of second floor without applying the mind. Ld. Trial Court further fail to appreciate that Respondent is having only access in the second floor and Ld. Trial Court stayed the whole Premises.

(xvi) The learned trial court has failed to consider that the property bearing no.I-5/9, Sector-16, Rohini, Delhi, belongs to the appellant no. 2 & 3, who are senior citizens and same cannot be now treated as matrimonial/sharehold house as the respondent has already left that house in the month of January 2025 along with all her jewellery, belongings and valuable articles and despite sincere efforts made by the appellant no. 1. she did not return to the said house.

6. Ld. Counsel for appellants has placed reliance on the following authorities in support of his arguments:- (1) **Reena Grover Vs. Ramesh Grover and Ors.** [Crl. M.C. No.8722/2024 decided on 09.02.2026 in Hon'ble High Court of Delhi]; (2) **Pooja Mehta & Ors. Vs. Government of NCT of Delhi & Ors.** [W.P. (C) 4643/2021 decided on 04.10.2024 in Hon'ble High

Court of Delhi] and (3) **Pritam Singh Vs. Government of NCT of Delhi & Ors.** [W.P. (C) 13840/2022 decided on 13.05.2025 in Hon'ble High Court of Delhi].

Counter arguments

7. **Per contra, Shri Raj Kumar Solanki Ld. Counsel for the respondent** has argued that there is no illegality or infirmity in the impugned order and has prayed that the present appeal may be dismissed.

Appreciation of arguments/Grounds of appeal

8. I have heard Ld. Counsel for the appellants, Ld. Counsel for the respondent and have perused the record carefully.

9. In the considered opinion of this court, **there is merit in the present appeal and the same deserves to be allowed due to the following reasons :-**

(i) The respondent Monika Dabas is stated to be working as Sub-Inspector in Delhi Police and is drawing House Rent Allowance from her department as per rules.

(ii) The appellants have relied upon Form No.16 for the assessment year 2023-2024 and 2024-2025 issued to the respondent by her department as per which she is claiming exemption from paying Income Tax on House Rent Allowance and is claiming that she is living in a rented premises.

(iii) The appellants are also relying upon an affidavit forming part of petition pending trial before the Mahila Court as per which, the respondent has stated her address to be Village Madanpur Dabas, P.O. Ranikhera, North-West, Delhi-110021.

(iv) The appellants are also relying upon a DD Entry bearing GD No.140A dated 23.05.2025 recorded at PS K.N. Katju Marg by neighbour of the appellants as per which, it is stated that respondent had left her matrimonial house and 10 months daughter around 5-6 months earlier to the date of the incident; she was trying to forcibly enter the matrimonial house while the in-laws were not opening the door and on this point, quarrel took place between them.

(v) The property which is subject matter of the impugned order is stated to belong to Appellant No.2 Balbir S ingh, who is father-in-law of the respondent.

(vi) On the last date of hearing, Ld. Counsel for the Appellants had played a video in the Court, in which, respondent was seen beating appellant no.2 namely Balbir Singh, who is her father-in-law, with slippers and in the said video, Appellant No.2 was in naked condition. The abovesaid video was also shown to the Respondent by the Court upon which she submitted that Appellant No.2 had run away with her mobile phone and therefore, she was trying to get back her mobile phone from him; however, she had no role in removing the clothes of Appellant No.2. Be that as it may, it is evident from the above-said video that Appellant No.2 is in naked condition and respondent, who admitted her presence in the abovesaid video, is seen giving beatings to Appellant No.2 with a slipper and Appellant No.2 was in a naked condition. It is a matter of record that Appellant No.2 himself is a senior citizen aged 64 years of age and has independent rights under the Maintenance and Welfare of Parents & Senior Citizens Act, 2007 including

protection against harassment at the hands of his children, including the respondents who is his daughter-in-law and right to reside peacefully in his own house.

Decision

10. In view of the above reasoning and discussion, **the present appeal is allowed.** The impugned order dated 21.01.2026 is hereby set aside and the injunction granted by the Ld. Trial Court vide order dated 27.05.2025 as quoted in preceding para no.2 is hereby vacated.

- **Announced in the open Court
on 19th March, 2026**

**(JAGMOHAN SINGH)
ASJ-03, North District
Rohini Courts, Delhi**