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

+ **CS(OS) 1033/2024, I.A. 49631/2024, I.A. 12980/2025 & I.A. 23195/2025**

SHYAM SUNDER SAWHNEY

.....Plaintiff

Through: Ms. Meenal Duggal and Mr. Aakash Rana, Advs.

versus

RAKHI SAWHNEY

.....Defendant

Through: Ms. Nusrat Hossain and Mr. Sarv Mangla, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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17.09.2025

I.A 17095/2025(u/s 5 of Limitation Act filed by Defendant)

1. The cost, as was earlier imposed, has been paid during the course of hearing.
2. Note can be taken of the reference answered by the Division Bench of this Court in the case of ***Geeta Anand v. Tanya Arjun and Anr.***¹ vide judgment dated 01.04.2024. paragraph No.44(a) thereof is extracted as under:

“44. Accordingly, the present reference is answered as under:

(a) Whether a suit for possession/injunction filed by the in laws of the defendant or either of them, claiming themselves or either of them to be the exclusive owner of the property of which the possession is

¹ 2024:DHC:2637-DB



sought or with respect to which injunction is prayed for from or against the defendant/daughter-in-law, is to be tried exclusively by the Family Court established under the Act, and the jurisdiction of the Civil Court is barred?

Answer to Question (a):

Each of the categories under Section 7(1)(a) of the Act are undoubtedly civil in nature. Since the principal question therein relates to a civil right, there is no gainsaying that when claim is made about ownership rights and relief is sought in the nature of possession or injunction and/or damages, such legal rights are to be considered de hors the matrimonial relationship. The proprietorship rights or ownership rights to immovable property are not integral to maintaining the matrimonial relationship. Such rights may be claimed as against a third person or anyone in the family or for that matter somebody connected through matrimonial relationship.

Indeed, when it comes to a dispute as between mother-in-law and/or father-in-law on the one side and their estranged daughter in-law on the other side, the claim of proprietorship or ownership of a property and thereby seeking relief in the nature of possession and/or injunction by its very nature incidentally indicates a matrimonial relationship, but such relationship is not a foundational fact so as to lay a claim. Such relationship is not at the core of the dispute but exists independently in civil law, and thus, the Family Courts do not exercise exclusive jurisdiction over such disputes and as an inevitable corollary the jurisdiction of Civil Courts is not barred.”

3. In view of the aforesaid, let the parties to make their submissions on this application.
4. List on 18.11.2025.
5. In the meantime, the plaintiff shall be at liberty to file a reply.

PURUSHAINDRA KUMAR KAURAV, J
SEPTEMBER 17, 2025/P/AMG