

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Cr. MMO No. 797 of 2026****Reserved on: 29.7.2026****Date of Decision: 04.08.2026.**

Surbhi Bedi**.... Petitioner****Versus****Manjeet Kaur****.... Respondent**

Coram***Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?¹ Yes.*****For the Petitioner : Mr Ravinder Singh Jaswal,
Advocate.****For the Respondent : Nemo.**

Rakesh Kainthla, Judge

The present petition is directed against the judgment dated 02.07.2026 passed by the learned Additional Sessions Judge, Mandi District, Mandi, H.P. (learned Appellate Court), vide which the order dated 19.02.2026, passed by the learned Chief Judicial Magistrate, Mandi, District, Mandi, H.P. was upheld. (The

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

parties shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience).

2. Briefly stated, the facts giving rise to the present petition are that the respondent/applicant filed an application under Section 12, 17, 18, 19 and 22 of the Protection of Women from Domestic Violence Act (DV Act). It was asserted that the applicant is the mother-in-law of the respondent No. 1. The marriage of the applicant's son Devinder Pal Singh was solemnised with the respondent No. 1 as per Sikh Rites and Ceremonies in May, 2013. The parties resided together in a house owned by respondent No. 1 up to 2024, after which the respondent No. 1 started quarrelling with the applicant and her husband. The respondent No.1 inducted respondent No.2 as a tenant in the premises, and they dispossessed the applicant and her husband on 07.11.2025. The act of respondent No.1 constituted domestic violence. Hence, an application was filed seeking various reliefs.

3. The application was opposed by respondent No.1 by filing a reply, taking preliminary objection regarding lack of maintainability and *locus standi*, the application being bad for

non-joinder of a necessary party, and the applicant having suppressed the material fact from the Court. The contents of the application were admitted to the extent of the relationship between the parties. It was asserted that respondent No.1 had purchased the land out of her own earnings. She constructed a building over it. The applicant and her husband were residing in the house of respondent No.1 as licensees. They maltreated the respondent No. 1, and she was compelled to take shelter in her mother's house. The respondent No.1 had reported the matter to the police. It was admitted that respondent No.1 had inducted respondent No.2 as a tenant of the premises. Hence, it was prayed that the present application be dismissed.

4. Learned Trial Court held that it was not disputed that the parties were related to each other and that the applicant was residing with respondent No.1 in a shared household at Ramnagar Mandi, River Dale Colony and in the disputed premises. The applicant had a right to reside in the shared household, and she could not have been evicted forcibly by renting the premises to some third person. Therefore, an order was passed to restore the applicant's joint possession. Various other reliefs were also granted to the applicant.

5. Being aggrieved by the judgment passed by the learned Trial Court, the respondent No.1 filed an appeal which was decided by the learned Additional Sessions Judge, Mandi, District Mandi, H.P. (learned Appellate Court). The learned Appellate Court concurred with the findings recorded by the learned Trial Court that the applicant was residing with the respondent No. 1 in a shared household. She had a right to reside in the house and could not have been ousted from the premises forcibly. There was no infirmity in the order passed by the learned Trial Court. Therefore, the appeal was dismissed.

6. Being aggrieved by the judgment and order passed by the learned Courts below, the respondent No.1 has filed the present petition asserting that the present application is not maintainable. The house is owned by respondent No.1 and cannot be called a shared household. Learned Trial Court erred in passing the order and learned Appellate Court erred in affirming it. The respondent No. 1 has also preferred an application under Section 12 of the DV Act against her husband, father-in-law and mother-in-law (the present applicant), for seeking various reliefs, but no interim order was granted in her favour. Therefore, it was prayed that the present petition be allowed and

the judgment and order passed by learned Courts below be set aside.

7. Mr Ravinder Singh Jaswal, learned counsel for the respondent No.1 submitted that learned Courts below erred in granting the relief; the house was owned by the respondent No.1 and the applicant had no right to reside in it. She is a mother-in-law and is not entitled to file a petition against a daughter-in-law. Therefore, he prayed that the present petition be dismissed. He relied upon the judgment of the Punjab and Haryana High Court in *Krishan Kumar Vs. Navneet alias Seema 2018 SCC OnLine P&H 7226* in support of his submissions.

8. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

9. The applicant asserted in para-2 of the application that respondent No.1 was married to the applicant's son Devinder Pal Singh. They resided together at Ramnagar till May, 2020 and thereafter shifted to a rented accommodation. They remained in the rented accommodation till 07.09.2024, and they shifted to their newly constructed house at River Dale Colony on 08.09.2024. The respondent No.1 stated in para-2 of the reply

that para-2 of the application was admitted to be correct. However, the applicant and her husband and son had no right to claim ownership in the house of respondent No.1. Therefore, the relationship between the parties and the fact that they had resided together was not disputed. The respondent No. 1 also asserted in para-5 of the reply that the applicant, her husband and son were living in the house of respondent No.1 as licensees. Therefore, the learned Courts below had rightly held that the parties had resided together in the house. It was laid down by the Hon'ble Supreme Court in *Satish Chander Ahuja v. Sneha Ahuja*, (2021) 1 SCC 414: 2020 SCC OnLine SC 841 that a shared household is the one where the parties had resided together irrespective of the fact whether the respondent has a right, title or interest in it.

It was observed at page 449:

59. Now, reverting back to the definition of Section 2(s), the definition can be divided into two parts: first, which follows the word “means”; and second, which follows the word “includes”. The second part, which follows “includes”, can be further subdivided into two parts. The first part reads “shared household means a household where the person aggrieved has lived or at any stage has lived in a domestic relationship either singly or along with the respondent”. Thus, the first condition to be fulfilled for a shared household is that the person aggrieved lives or at any stage has lived in a domestic relationship. The second part sub-divided in two parts is— (a) includes

such a household whether owned or tenanted either jointly by the aggrieved person and the respondent and owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity, and (b) includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household. In the above definition, two expressions, namely, “aggrieved person” and “respondent”, have occurred. From the above definition, the following is clear: (i) it is not requirement of law that aggrieved person may either own the premises jointly or singly or by tenanting it jointly or singly; (ii) the household may belong to a joint family of which the respondent is a member irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household; and (iii) the shared household may either be owned or tenanted by the respondent singly or jointly.

10. It was further held that there is no requirement that the house should be owned or rented by the aggrieved person's husband. It was observed at page 453:

69. In para 29 of the judgment, this Court in *S.R. Batra v. Taruna Batra* [*S.R. Batra v. Taruna Batra*, (2007) 3 SCC 169: (2007) 2 SCC (Cri) 56] held that wife is only entitled to claim a right to residence in a shared household and a shared household would only mean the house belonging to or taken on rent by the husband, or the house which belongs to the joint family of which the husband is a member. The definition of “shared household” as noticed in Section 2(s) does not indicate that a shared household shall be one which belongs to or is taken on rent by the husband. We have noticed the definition of “respondent” under the Act. The respondent in a proceeding under the

Domestic Violence Act can be any relative of the husband. In the event the shared household belongs to any relative of the husband with whom in a domestic relationship the woman has lived, the conditions mentioned in Section 2(s) are satisfied, and the said house will become a shared household.

11. The earlier judgment of the Hon'ble Supreme Court in *S.R. Batra v. Taruna Batra* (2007) 3 SCC 169 was held to be not laying the correct law. It was observed: -

70. We are of the view that this Court in *S.R. Batra v. Taruna Batra* [*S.R. Batra v. Taruna Batra*, (2007) 3 SCC 169: (2007) 2 SCC (Cri) 56] although noticed the definition of “shared household” as given in Section 2(s) but did not advert to different parts of the definition which makes it clear that for a shared household there is no such requirement that the house may be owned singly or jointly by the husband or taken on rent by the husband. The observation of this Court in *S.R. Batra v. Taruna Batra* [*S.R. Batra v. Taruna Batra*, (2007) 3 SCC 169: (2007) 2 SCC (Cri) 56] that definition of “shared household” in Section 2(s) is not very happily worded and it has to be interpreted, which is sensible and does not lead to chaos in the society also does not commend us. The definition of “shared household” is a clear and exhaustive definition, as observed by us. The object and purpose of the Act was to grant a right to the aggrieved person, a woman, of residence in a shared household. The interpretation which is put by this Court in *S.R. Batra v. Taruna Batra* [*S.R. Batra v. Taruna Batra*, (2007) 3 SCC 169: (2007) 2 SCC (Cri) 56], if accepted, shall clearly frustrate the object and purpose of the Act. We, thus, are of the opinion that the interpretation of the definition of “shared household” as put by this Court in *S.R. Batra v. Taruna Batra* [*S.R. Batra v. Taruna Batra*, (2007) 3 SCC 169:

(2007) 2 SCC (Cri) 56] is not a correct interpretation and the said judgment does not lay down the correct law.

12. It was held by the Hon'ble Supreme Court in *Prabha Tyagi v. Kamlesh Devi*, (2022) 8 SCC 90: 2022 SCC OnLine SC 607 that a domestic relationship means a relationship between two parties who live or have at any point of time lived together in a shared household. Thus, a daughter, sister, wife, daughter-in-law, mother-in-law or any woman having a relationship in the nature of marriage, adoption or any member of the joint family has a right to reside in a shared household. It was observed at para 121: -

39. As already noted, a domestic relationship means a relationship between two persons who live or have at any point of time lived together in a shared household. The relationship may be by: (i) consanguinity, (ii) marriage or (iii) through a relationship in the nature of a marriage, (iv) adoption or (v) are family members living together as a joint family. The expression "domestic relationship" is a comprehensive one. Hence, every woman in a domestic relationship in whatever manner the said relationship may be founded as stated above has a right to reside in a shared household, whether or not she has any right, title or beneficial interest in the same. Thus, a daughter, sister, wife, mother, grandmother or great-grandmother, daughter-in-law, mother-in-law or any woman having a relationship in the nature of marriage, an adopted daughter or any member of joint family has the right to reside in a shared household.

40. Further, though, the expression “shared household” is defined in the context of a household where the person aggrieved lives or has lived in a domestic relationship either singly or along with the respondent, in the context of sub-section (1) of Section 17, the said expression cannot be restricted only to a household where a person aggrieved resides or at any stage, resided in a domestic relationship. In other words, a woman in a domestic relationship who is *not aggrieved*, in the sense that she has not been subjected to an act of domestic violence by the respondent, has a right to reside in a shared household. Thus, a mother, daughter, sister, wife, mother-in-law and daughter-in-law or such other categories of women in a domestic relationship have the right to reside in a shared household de hors a right, title or beneficial interest in the same.

13. It was further held that the woman, including a mother-in-law, has a right to reside in the shared household and she cannot be evicted from it or excluded from same or any part of it. It was observed at page 122:

41. Therefore, the right of residence of the aforesaid categories of women and such other categories of women in a domestic relationship is guaranteed under sub-section (1) of Section 17, and she cannot be evicted, excluded or thrown out from such a household even in the absence of there being any form of domestic violence. By contrast, sub-section (2) of Section 17 deals with a narrower right inasmuch as an aggrieved person who is inevitably a woman and who is subjected to domestic violence shall not be evicted or excluded from the shared household or any part of it by the respondent except in accordance with the procedure established by law. Thus, the expression “right to reside in a shared household” has to be given an expansive interpretation, in respect of the

aforesaid categories of women including a mother-in-law or a daughter-in-law and other categories of women referred to above who have the right to reside in a shared household.

42. Further, the expression “the right to reside in a shared household” cannot be restricted to actual residence. In other words, even in the absence of actual residence in the shared household, a woman in a domestic relationship can enforce her right to reside therein. The aforesaid interpretation can be explained by way of an illustration. If a woman gets married, then she acquires the right to reside in the household of her husband, which then becomes a shared household within the meaning of the DV Act. In India, it is a societal norm for a woman, on her marriage, to reside with her husband, unless due to professional, occupational or job commitments, or for other genuine reasons, the husband and wife decide to reside at different locations. Even in a case where the woman in a domestic relationship is residing elsewhere on account of a reasonable cause, she has the right to reside in a shared household. Also, a woman who is, or has been, in a domestic relationship has the right to reside not only in the house of her husband, if it is located in another place which is also a shared household, but also in the shared household which may be in a different location in which the family of her husband resides.

43. If a woman in a domestic relationship seeks to enforce her right to reside in a shared household, irrespective of whether she has resided therein at all or not, then the said right can be enforced under sub-section (1) of Section 17 of the DV Act. If her right to reside in a shared household is resisted or restrained by the respondent(s), then she becomes an aggrieved person, and she cannot be evicted if she has already been living in the shared household or excluded from the same or any part of it if she is not actually residing therein. In other words, the expression “right to reside in the shared household” is not restricted

to only actual residence, as, irrespective of actual residence, a woman in a domestic relationship can enforce her right to reside in the shared household.

44. Thus, a woman cannot be excluded from the shared household even if she has not actually resided therein; that is why the expression “shall not be evicted or excluded from the shared household” has been intentionally used in sub-section (2) of Section 17. This means if a woman in a domestic relationship is an aggrieved person and she is actually residing in the shared household, she cannot be evicted except in accordance with the procedure established by law. Similarly, a woman in a domestic relationship who is an aggrieved person cannot be excluded from her right to reside in the shared household except in accordance with the procedure established by law.

45. Therefore, the expression “right to reside in the shared household” would include not only actual residence but also constructive residence in the shared household, i.e. right to reside therein which cannot be excluded vis-à-vis an aggrieved person except in accordance with the procedure established by law. If a woman is sought to be evicted or excluded from the shared household, she would be an aggrieved person in which event sub-section (2) of Section 17 would apply.

14. Therefore, the submission that the applicant being mother-in-law of the respondent No.1 is not in a domestic relationship, and the household owned by respondent No.1 does not fall within the definition of shared household cannot be accepted. The judgment of the Punjab & Haryana High Court in *Krishan Kumar* (supra) was delivered before the judgment of the

Hon'ble Supreme Court in *Satish Chander Ahuja* (supra) and relies upon *Taruna Batra* (supra). Since *Tarun Batra* (supra) was held to be not laying down a good law, the judgment of the Punjab & Haryana High Court in *Krishan Kumar* (supra) cannot be followed.

15. The respondent No.1 could not have evicted the applicant, and she cannot evict her by inducting respondent No. 2 as a tenant. Therefore, learned Courts below had rightly held that the applicant was entitled to restoration of the joint possession and there is no infirmity in the judgment and order passed by learned Courts below, requiring any interference by this Court in the exercise of inherent jurisdiction.

16. In view of the above, the present petition fails and is dismissed.

17. The observations made hereinbefore shall remain confined to the disposal of the petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

4th August, 2026
(Chander)