

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2532 of 2025**

Arising Out of PS. Case No.- Year-0 Thana- District- Gaya

1. Ravi Kumar Singh S/O Awadhesh Kumar Singh R/O Hempur, P.S- Mohuddin Nagar, Dist- Samastipur, A/P.- Kotak Mahindra Bank, Infinity IT Park Road, Malad, Raheja Housing @ Commercial Complex, Malad East Mumbai, Maharashtra. At Present Address- Flat No C 110, National Park, Plot No. 452, Takkapanvel, Raigarh, Navi Mumbai, Maharashtra- 410206.
2. Awadhesh Kumar Singh S/O Late Ganga Prasad Singh R/O Hemanpur, P.S- Mohuddin Nagar, Distt.- Samastipur. At Present Address- Flat No C 110, National Park, Plot No. 452, Takkapanvel, Raigarh, Navi Mumbai, Maharashtra- 410206.
3. Smt. Rekha Singh W/O Awadhesh Kumar Singh R/O Hemanpur, P.S- Mohuddin Nagar, Distt.- Samastipur. At Present Address- Flat No C 110, National Park, Plot No. 452, Takkapanvel, Raigarh, Navi Mumbai, Maharashtra- 410206.
4. Rahul Kumar Singh S/O Awadhesh Kumar Singh R/O Hemanpur, P.S- Mohuddin Nagar, Distt.- Samastipur. At Present Address- Flat No C 110, National Park, Plot No. 452, Takkapanvel, Raigarh, Navi Mumbai, Maharashtra- 410206.
5. Radha Singh W/O Rahul Kumar Singh R/O Hemanpur, P.S- Mohuddin Nagar, Distt.- Samastipur. At Present Address- Flat No C 110, National Park, Plot No. 452, Takkapanvel, Raigarh, Navi Mumbai, Maharashtra- 410206.

... .. Petitioners

Versus

1. The State of Bihar
2. Aditi Singh W/O Ravi Kumar Singh, D/O Amrendra Kumar Singh R/O Hemanpur, P.S- Mohuddin Nagar, Distt.- Samastipur and C-110, National Park, Takkapanvel, Raigarh, Navi Mumbai, Maharashtra- 410206.

Presently a resident of Veena Kunj Opposite Zilla School, Gaya, P.S- Civil Line, Dist.- Gaya.

... .. Opposite Party

**Appearance :**

For the Petitioner/s :	Mr.Ansul, Sr. Advocate
	Mr.Aditya Pandey, Advocate
	Mr.Shyam Kishore, Advocate
	Ms.Sakshi Bhatnagar, Advocate
	Ms.Eashita Raj, Advocate
	Ms.Ginni Priya, Advocate
	Mr.Anuj Kumar, Advocate
For the Opposite Party/s :	Mr.Jitendra Kumar Singh, APP
	Mr.Rakesh Kr. Samendra, Advocate (Inf.)



Mr.Sanjay Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**C.A.V. JUDGMENT**

**Date : 05-08-2025**

Heard Mr. Ansul, learned senior counsel appearing on behalf of the petitioner and Mr. Rakesh Kr. Samendra, learned counsel appearing for the opposite party no. 2.

2. The present petition preferred under Section 482 Cr.P.C./528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (in short, the 'B.N.S.S.') for quashing the order dated 28.11.2024 passed by Ms. Kriti, learned Judicial Magistrate - 1<sup>st</sup> Class, Gaya, wherein considering application dated 25.07.2024 filed by the complainant/aggrieved person/O.P. No. 2, under section 23(2) of the Domestic Violence Act (in short, the 'D.V. Act') in pending Domestic Violence Case No. 02/2024, learned Magistrate has been pleased to allow protection *qua* "shared household" and monetary protection as sought for.

3. It is submitted by Mr. Ansul, learned senior counsel appearing for the petitioners that aforesaid Domestic Violence Case No. 02/2024 was filed before the court of learned CJM, Gaya, seeking different protections as available under section



18, 19, 20 and 23 of the D.V. Act on the basis of forged and fabricated documents concealing the income and status of “shared household” from the court below.

4. It is submitted that impugned interim order under section 23(2) of the D.V. Act, for grant of ad-interim protection was passed without being given an opportunity to file reply of petition dated 25.07.2024.

5. Mr. Ansul, while arguing further, submitted that the learned trial court failed to appreciate that the house situated at C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharashtra, Pin-410206, is a self-acquired property of petitioner no. 2 namely, Awadhesh Kumar Singh, who is the father of petitioner no. 1 namely, Ravi Kumar Singh (husband of O.P. No.2), and same was never used as shared house hold by O.P. No. 2 namely, Aditi Singh.

6. It is further submitted by learned senior counsel that present petition was filed only to grab the share in property/paternal property of petitioner no. 1/husband. It is pointed out that as O.P. No. 2/Aditi Singh never resided in the aforesaid Flat situated at Navi Mumbai, therefore, same



cannot be termed as 'shared house hold'. It is submitted that at the time of marriage, the husband/petitioner no. 1 of O.P. No. 2 was living in a rented premises and they never lived in parental house of petitioner no. 1.

7. It is submitted that the husband/Ravi Kumar Singh is paying Rs. 25,000/- to O.P. No.2 as an ad-interim maintenance in compliance of the order dated 02.08.2024 passed in Cr.W.J.C. No. 1011/2024, while he approached this Court for quashing of FIR lodged for the offence alleged to be committed under Section 498A of the IPC.

8. It is submitted that beside the aforesaid further monetary protection of Rs. 15,000/- was passed against petitioner no. 1 by completely ignoring the income of O.P. No.2 namely, Aditi Singh, who herself is highly educated lady (law graduate) and working with multinational companies like, M/s Kotak Mahindra and M/s Aditya Birla Finance Company and drawing more than Rs. One Lakh monthly salary.

9. It is submitted by Mr. Ansul, that marriage took place on 16.02.2022, whereafter O.P. No. 2 came to her matrimonial village on 17.02.2022, at village Hemantpur,



District – Samastipur (Bihar).

10. Learned senior counsel in support of ‘shared household’ relied upon the Leave and License Agreement executed on 12.04.2023 between one Bharat Kunvarji Maru and petitioner no. 1 namely, Ravi Kumar Singh, which was valid from period 10.04.2023 to 09.03.2024. It was further extended from 01.03.2024 to 31.03.2025 through **Annexure ‘4/2’**, therefore, shared house hold was a rented premises where O.P. No2. was living with her husband/petitioner no. 1 namely, Ravi Kumar Singh, and not at C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharastra, Pin-410206.

11. In this context, Mr. Ansul further submitted that parties were living together in the rented premises for the reason that their work place was near to their rented premises, and, therefore, they lived together almost for two years in rented premises having decree of permanence. It is pointed out that casual visit at parental home cannot be a determinating factor for ‘shared house hold’. Any claim *qua* parental property is only to disturb the family further or with



oblique motive to grab the property. In view of the aforesaid, it is submitted that *prima facie* finding *qua* 'shared house hold' *qua* C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharashtra, Pin-410206 is apparently bad in the eyes of law as it was not shared at any particular time. However, he conceded that O.P. No. 2 is entitled for alternate accommodation being an aggrieved woman at par status with petitioner no. 1, what she enjoyed in her "share household" which is a rented house as discussed above in view of section 19(1)(f) of the D.V. Act.

12. It is further submitted that petitioners family is of both, non-agrarian and agrarian habitats and same is the case with the O.P. No. 2, therefore, the details on affidavit must be filed by the O.P. No. 2 as per enclosure 1 and 2, discussed in **Rajnesh Vs. Neha and Ors. [(2021) 2 SCC 324]**; before passing any interim protection in view of section 23(2) of the D.V. Act and any non-compliance of the direction of Hon'ble Supreme Court makes the impugned order invalid under law, and, therefore, fit to be set-aside/quashed.

13. Mr. Rakesh Kumar Samrendra, learned counsel



appearing on behalf of the opposite party no. 2 namely, Aditi Singh, submitted that the residence bungalow at Hemantpur, P.S. - Mohuddin Nagar, District – Samstipur, Bihar and Flat No. C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharashtra, Pin-410206 are “shared matrimonial house” of the petitioner. It is submitted that O.P. No.2 was subjected to physical, verbal and emotional abuses coupled with the economic abuses at the hands of the petitioners and considering all such aspects interim order was passed by the learned trial court.

14. It is also pointed out that the court below further granted monetary benefit to O.P. No. 2 considering the salary slip of the husband which is also recorded in order dated 28.11.2024 passed by the learned trial court and further considering the aspect that O.P. No. 2 is also getting Rs. 25,000/-per month in terms of order dated 02.08.2024 as passed in Cr.W.J.C. No. 1011/2024. Considering all such aspects, further Rs. 15,000/- in addition to Rs. 25,000/- was ordered to pay O.P. No. 2 by petitioner no. 1.

15. It is also submitted that in the light of the order



passed by the court below, the Protection Officer and S.H.O. Panvel, Maharashtra, placed a report in the compliance of the residence order dated 28.11.2024, wherein it was stated by senior police inspector, Takka Panvel, Navi Mumbai, Maharashtra, that complainant approached on 9<sup>th</sup> December, 2024, from Bihar and proceeded to her matrimonial home at Flat No. C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharashtra. Upon arriving they found that the said flat was locked and after inquiring from neighbours and the security guard, it was said that Awadhesh Kumar Singh (petitioner no. 2) and his family, who resided in aforesaid flat had not been seen from the last two to three days. Whereafter, the police contacted the husband of O.P. No. 2 namely, Ravi Kumar Singh (petitioner no. 1), who informed that he is not currently living in Panvel house and his parents had gone to village Hasanpur, district – Samastipur (Bihar).

16. It is submitted that after marriage, both the parties celebrated a reception party in flat No. C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai,





Maharashtra and O.P. No. 2 on all festivals like Chhat Puja, Holi, Diwali, Teez etc. and on occasion of other family events came there with petitioner no. 1 and, therefore, it can be said safely that aforesaid flat was a shared household.

17. It would be apposite to reproduce **para 128, 129, 130, 131 & 132 of Rajnesh case (supra)**, for better understanding of the case, which are as under:

**(a) Issue of overlapping jurisdiction:**

**128.** To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:

**128.1.** (i) Where successive claims for maintenance are made by a party under different statutes, the court would consider an adjustment or set-off, of the amount awarded in the previous proceeding(s), while determining whether any further amount is to be awarded in the subsequent proceeding.

**128.2.** (ii) It is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding.

**128.3.** (iii) If the order passed in the previous proceeding(s) requires any modification or variation, it would be required to be done in the same proceeding.

**b) Payment of Interim Maintenance**

**129.** The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the Family Court/District Court/Magistrates Court concerned, as the case may be, throughout the country.

**(c) Criteria for determining the quantum of maintenance**



**130.** For determining the quantum of maintenance payable to an applicant, the court shall take into account the criteria enumerated in Part B — III of the judgment. The aforesaid factors are however not exhaustive, and the court concerned may exercise its discretion to consider any other factor(s) which may be necessary or of relevance in the facts and circumstances of a case.

***(d) Date from which maintenance is to be awarded***

**131.** We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B — IV above.

***(e) Enforcement/Execution of orders of maintenance***

**132.** For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under Section 28-A of the Hindu Marriage Act, 1955; Section 20(6) of the DV Act; and Section 128 of CrPC, as may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC, more particularly Sections 51, 55, 58, 60 read with Order 21.

18. It would be further apposite to reproduce **section 2(s) of the Domestic Violence Act**, where definition of shared household is available, which reads as under:

**"2(s) "shared household" means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a house hold whether owned or tenanted either jointly by the aggrieved person and the respondent, or 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 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;**



19. It would be further apposite to reproduce section 19(1)(f) of the D.V. Act, 2005, as it same appears relevant in present context of dispute as to understand the position of law, which is as under:

“**19(1)(f)**. Directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:  
Provided that no order under clause (b) shall be passed against any person who is a woman.”

20. In the aforesaid context, it would further be apposite to reproduce para **88 of Rajnesh case (supra)**, which are as under:

“**88.** The right of a woman to reside in a “shared household” defined under Section 2(s) entitles the aggrieved woman for right of residence in the shared household, irrespective of her having any legal interest in the same. This Court in **Satish Chander Ahuja v. Sneha Ahuja [Satish Chander Ahuja v. Sneha Ahuja, (2021) 1 SCC 414**, by a Bench comprising of Hon’ble Ashok Bhushan, R. Subhash Reddy and M.R. Shah, JJ.] held that “shared household” referred to in Section 2(s) is the shared household of the aggrieved person where she was living at the time when the application was filed, or at any stage lived in a domestic relationship. The living of the aggrieved woman in the shared household must have a degree of permanence. A mere fleeting or casual living at different places would not constitute a “shared household”. It is important to consider the intention of the parties, nature of living, and nature of the household, to determine whether the premises is a “shared household”. Section 2(s) read with Sections 17 and 19 of the DV Act entitles a woman to the right of residence in a shared household, irrespective of her having any legal interest in the same. There is no requirement of law that the



husband should be a member of the joint family, or that the household must belong to the joint family, in which he or the aggrieved woman has any right, title or interest. The shared household may not necessarily be owned or tenanted by the husband singly or jointly.”

21. The important consideration as to arrive at conclusion *qua* ‘shared household’ is the intention of the parties, nature of living and nature of the house hold, to determine whether the premises is a ‘shared household’. There is no requirement of law that the husband should be a member of the joint family, or that the household must belong to the joint family, in which he or the aggrieved woman has any right, title or interest. The shared household may not necessarily be owned or rented by the husband alone or jointly.

22. It would be apposite to reproduce the impugned order dated 28.11.2024, to understand the consideration by the learned trial court before passing residential and monetary protection to opposite party no. 2, which reads as under:

**“IN THE COURT OF MS. Kriti, JMFC, GAYA  
Domestic Violence Case No. 02/2024**

***In the matter of***

***Aditi Singh***

***..... Complainant***

***Versus***

***Ravi Singh & Ors.***

***..... Opposite Parties***



**28.11.2024.** Attendance has been filed only on behalf of the Petitioner and Representation has been filed on behalf of all the Respondents. Record is put up for passing an order on petition dated 25.07.2024 under section 23(2) of the Domestic Violence Act, 2005.

Case called out. Petitioner and the opposite party through the Ld. Counsel appeared on their behalf. Heard both the parties. Perused the case record.

Perused the entire case record including the Domestic Incident Report dated 24.08.2024 as submitted by the Protection Officer. The petitioner by an application dated 25.07.2024 has prayed for the protection order u/s 18, residence order under section 19 and monetary relief u/s 20 r/w section 23 of the Domestic Violence Act, 2005. The Respondents have been given several directions to appear physically, however none of the Respondents appeared physically.

The petitioner in its application dated 25/07/2024 has stated that the present case has been brought up by her against her husband and others seeking the relief of residence, monetary compensation and protection order. She further stated that the respondents have committed various acts of Domestic Violence on the complainant. The petitioner has been subject to intense cruelty and has undergone physical, mental, emotional, verbal, sexual and economic harassment and abuse at the hand of the respondents during the domestic relationship. Respondent. I has frequently resorted to physical violence causing bodily harm and instilling fear in the complainant. They have used extreme abusive and degrading language. The consistent use of threat, intimidation and derogatory remarks had led to severe mental anguish for the complainant. To establish her facts the complainant has submitted before the court several documentary proofs including the whatsapp chats, her Resignation letter at Kotak Mahindra, Mumbai due to the matrimonial issues, copy of FIR filed before Civil Lines, Gaya and the complaint filed at Samatanagar Police station, Mumbai.

Heard. Perused the entire case record. The present petition has been filed under section 23(2) of the D.V. Act seeking residence order, protection order and monetary order of Rs. 1,000,00/- per month, Disclosure of assets and liabilities on affidavit has been made by the complainant on affidavit.



The complainant in her affidavit has stated the fact that the monthly income drawn by the respondent no. I is over and above 1,75,000/- per month and none of the other respondents are dependent upon him. Copy of the salary slip of the respondent no. I is also submitted before this court. The petitioner further submitted that the respondents are having multiple immovable properties such as house, flat, and land at different locations which are-1) C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharashtra, Pin-410206, 2) Flat at Sai Society, Near Panvel Railway Station, Raigarh Navi Mumbai, Navi Mumbai, Maharashtra-410206, 3) Bungalow at Hemanpur, P.S. Mohuddin Nagar, Samastipur Bihar, and several acre of agricultural land at Hemantpur, smastipur, Bihar and land situated at beach village Baada at Kumta Hobali, Karnataka. Therefore, as such the petitioner is entitled for monetary relief and shared household at well-furnished flat with all modern amenities to be handed over to her considering the considerable distance of the matrimonial home from complainant's workplace by way of an ad-interim residential relief.

Also, petitioner's case is supported by a Domestic Incident Report wherein it has been stated that the petitioner's marriage was solemnized with Mr. Ravi Kumar Singh on 16/02/2022 as per Hindu rites and ceremonies wherein all the demands of lavish wedding arrangements were fulfilled, however not being happy the dowry and gifts the opposite party started mentally and physically harassing the petitioner from the very beginning of the marriage. The respondent no.1 in collusion with other respondents took her to the doctor for the abortion and caused her miscarriage. On 21/11/2023, all the respondents assaulted her at the midnight and asked her to leave home whereafter she was admitted at DY Patil Hospital. That on 24/12/2023 the opposite party reached Gaya and demanded dowry of Rs. 20 Lakhs. On 02/02/2024 the opposite party has seized all the petitioner's jewellery, degree and certificates from her locker.

Heard the Ld. Counsel for the Petitioner and the respondent, Since no rejoinder has been filed by the Ld. Counsel of the respondent on the petition u/s 23(2) of the D.V Act, the Ld. Counsel of the Respondent was heard on the oral submission. Perused the record in the light of the arguments and the documents submitted by the petitioner in the support of the petition dated 25/07/2024 along with



the Domestic Incident Report. In the instant case, on careful perusal of the case record it transpires that the residence Bungalow at Hemanpur, P.S- Mohuddin Nagar, Samastipur, Bihar, and residence at C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharastra, Pin- 410206 is the shared matrimonial household of the petitioner and the respondents. However, no proof of the ownership and possession over the said property by opposite party has been adduced before the court by the petitioner. But the petitioner by way of an affidavit has deposed that the aforesaid mentioned house is her matrimonial house and the same has been mentioned in the Domestic Incident Report submitted by the Protection Officer.

As per **section 2 (a) of the D.V. Act, an "aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent.** Further, as per **section 2 (f) of the D.V. Act, "domestic relationship" means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.**

It has been admitted by the petitioner and as per the DIR Report that the petitioner herein, namely Aditi Singh is a legally wedded wife of Respondent no. 1 Ravi Kumar Singh who got married and Respondent no. 1, lived in a shared household, is not a disputed fact. Hence, petitioner and Respondent no.1 had a domestic relationship. The petitioner has alleged to have been subjected to physical, verbal, emotional and economic abuses by the O.Ps., which are an act of domestic violence. **Thus petitioner, Aditi Singh is an aggrieved woman, and is entitled to monetary relief and Residential Relief, under section 19 and 20 of the D.V. Act, even at this stage, as an interim relief.**

The relief prayed by the petitioner as per the application dated 24.07.2024 is for accommodation and residence order under section 19 and monetary relief u/s 20 of the Domestic Violence Act, 2005. The petitioner by way of an affidavit dated: 14.11.2024 has stated deposed that the opposite party are residing at her matrimonial house



located at the residence at C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharastra, Pin-410206. In this regard **Respondent no. 1, 2 and 3 are directed to provide a residence to the petitioner in the house located at C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharashtra, Pin-410206** which is her matrimonial house as an ad-interim relief. They are further restrained from disturbing the possession of the petitioner in the said house.

Further **the opposite parties are restrained from alienating or disposing off or encumbering the house in question, i.e. C110, National Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharastra, Pin-410206.** Hence, with the above observation the petition dated 25.07.2024 of the petitioner stand allowed on the above-mentioned points. **Office Clerk is directed to send a copy of this order to the Protection Officer as well as to the concerned Police Station for the information.** Local Police Station is further directed to facilitate the deponent to avail the relief granted vide this order.

**Secondly, Regarding the relief sought u/s 20 of the D.V act for the Monetary relief,** it has submitted under an affidavit by the complainant that the monthly income drawn by the respondent no. 1 is over and above 1,75,000/- per month, and none of the other respondents are dependent upon him and salary slip is also presented before the court. It has been submitted by the Ld Counsel of the Respondents that the complainant through cri. Writ Jurisdiction case no. 1011/2024 is receiving Rs. 25,000/- as interim-maintenance from th Respondents. It had submitted by the complainant that the above said interim maintenance is granted by the Respondent 2 to 5. Considering the factum of the case on the point of Monetary Relief, the complainant is entitled to interim maintenance which shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed subject to the final outcome of the case. **As such, the respondent no. 1 herein namely Ravi Kumar Singh is directed to pay petitioner Aditi Singh, Rs. 15,000/- per month by the tenth day of every month, as interim maintenance, towards maintenance of his wife.** This interim maintenance cost shall be subject to final outcome of the case.





It is further directed that the said amount shall be deposited in the bank account of the petitioner. Petitioner Aditi Singh and his learned counsel are directed to provide the bank details of petitioner Aditi Singh on an affidavit before the next fixed date.

**O/C is directed to send a copy of this order to S.H.O. of the concerned police station for facilitating the compliance of this order.**

Sd/-  
JMFC  
Gaya.”

23. Having all such legal position in hand and by importing the same to the present factual scenario, it transpires that the marriage between the parties took place at Bodh Gaya, Bihar on 16.02.2022, whereafter O.P. No. 2 left for Samastipur, the parental village of petitioner no. 1/husband namely, Ravi Kumar Singh. After living for a couple of days there and performing post marriage rituals, she came to Mumbai. Admittedly, the O.P. No. 2 is a highly educated girl (law graduate) and was working with M/s Kotak Mahindra and M/s Aditya Birla Finance Co. Ltd. **Annexure '4/1'** and **Annexure '4/2'**, which are Leave and License Agreement for flat, C.T.S. Number 163A, 17<sup>th</sup> Floor, Godrej Tranquil, Akurli Road, Near Ayappa Temple, Kandivali East, Mumbai - 400101, from the period 10.04.2023 to 09.03.2024, extended till March 2025 suggesting that it was



taken on rent by petitioner no. 1 where O.P. No. 2 was also resided, finding convenient to their work place, they lived together in aforesaid rented flat for a substantial period of their post marriage life before dispute. Even the O.P. No. 2 in her resignation letter mentioned her address as Kandivali Mumbai, sending her email to M/s Kotak Mahindra sharing reason thereof her matrimonial issues on 28.11.2023 (5:27 P.M.) (**Annexure '7'**). Besides aforesaid, several online transactions and the deliveries were made at the aforesaid address including household items, which is the part of **Annexure '6' series**, suggesting the intention of the parties, nature of living and the nature of household that the aforesaid tenant premises at Kandivali Mumbai was the shared household in view of **Rajnesh case (supra)**.

24. Interestingly, opposite party no. 2 claimed through her complaint that Flat No. C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharashtra, Pin-410206 and residence at Samastipur are the shared household, which *prima facie* suggest the intention of O.P. No. 2 that the claim was raised to grab the share in paternal



property of petitioner no. 1 by defeating the object of Section 2(s) of the Domestic Violence Act.

25. Legal definition of '**shared household**' is available under section 2(s) of D.V. Act, 2005 and, therefore, it cannot be confused with '**share in property**' of matrimonial house of O.P. No. 2.

26. Admittedly, O.P. No. 2 never filed enclosure 1 & 2 in terms of paragraph 129 of **Rajnesh case (supra)**, for determination of interim maintenance and same also appears from the impugned order, as discussed aforesaid.

27. Hence, considering the aforesaid, the impugned order dated 28.11.2024 passed in Domestic Violence Case No. 02 of 2024, finding Flat No. C110, National Park, Plot No. 452, Takka Panvel, Raigarh, Navi Mumbai, Maharashtra, Pin-410206, as "**shared household**" is hereby quashed/set aside. Further facts of this case suggest that house taken on rent under leave and license agreement at 163A, 17<sup>th</sup> Floor, Godrej Tranquil, Akurli Road, Near Ayappa Temple, Kandivali East, Mumbai - 400101 is the "shared household". If the aforesaid rented house is still on rent, petitioner no. 1 is



directed to provide O.P. No. 2 to reside in one bedroom thereof with all basic facilities, without any disturbance.

**Or,**

In alternate, to provide a rented flat of One BHK, at Kandivali East, Mumbai, for O.P. No. 2, immediately within 15 days of her request, upon proof of her working from office.

28. As far monetary protection of further amount of Rs. 15,000/- is concerned, learned trial court is directed to pass a fresh order considering Enclosure I & II filled by O.P. No. 2 by taking a guiding note of **Rajnesh case (supra)**.

29. This application allowed in aforesaid terms.

30. At this stage, it is made clear that payment of ad-interim maintenance of Rs. 25,000/- per month as passed by one of the learned coordinate Bench of this Court in Cr.W.J.C. No. 1011/2024, as discussed aforesaid, shall remain continued subject to any further order as passed thereof.

**(Chandra Shekhar Jha, J)**

Rajeev/-

AFR/NAFR	AFR
CAV DATE	09.07.2025
Uploading Date	05.08.2025
Transmission Date	05.08.2025

