

**MEENA CHAUDHARY Vs. COMMISSIONER OF DELHI POLICE**  
(<http://www.the-laws.com>)



LAWS(SC)-2014-9-102  
**Supreme Court Of India**  
Decided on September 18,2014

**MEENA CHAUDHARY**

Appellant

VERSUS

**COMMISSIONER OF DELHI POLICE**

Respondents

## **JUDGEMENT**

**Fakkir Mohamed Ibrahim Kalifulla, J.** - ( 1. ) IN the present appeals the Appellant, who is a Gynaecologist by profession and has appeared before us as a party -in -person, is aggrieved by the order of the Division Bench of the High Court of Delhi dated 06.05.2009 in LPA No. 64/2009 along with CM Nos. 1801, 4625 & 4770 of 2009.

( 2. ) THE brief facts, which are required to be stated in order to appreciate and find a solution to eliminate the grievances of the Appellant, are that the Appellant got married to Respondent No. 4 herein in the year 1973 and thereafter, a son and a daughter were born out of the said wedlock in the years 1974 and 1977, respectively. Differences stated to have arisen as between the Appellant and Respondent No. 4 with regard to their matrimonial affair and according to the Appellant, Respondent No. 4 deserted her in the year 1989. There were two matrimonial Suits initiated, one at the instance of the Appellant being Suit No. T.S. (M) No. 7 of 1991, which was transferred to the Additional District Judge, Jorhat, Assam with a new number T.S. (M) No. 10/91 and another at the instance of the 4 Respondent being matrimonial Suit No. 4/1996. Both the suits were stated to have been dismissed. It is the further case of the Appellant that thereafter, the 4 Respondent claimed to have divorced her by relying upon an alleged divorce decree dated 29.09.1989 by consent from the Court of Bhutan and also another divorce decree dated 05.03.1999 granted by the Court in England at the instance of the Appellant apart from another divorce decree at Jorhat. The Appellant does not admit to the existence of any of the decrees relied on by the Respondent No. 4. Be that as it may, according to Respondent No. 4, the divorce as between the Appellant and Respondent No. 4 had come into existence by virtue of the above decrees granted by the competent courts and that he was subsequently married to one Smt. Vidushi Shah in 1991 and that the present marriage was also upheld by the Delhi High Court by an order dated 25.01.2012 in CrI M.P. No. 3845 of 2010. The Appellant contended that the marriage as between her and Respondent No. 4 continued to subsist, that she was living in her matrimonial home at B -108, Hill View Apartments, Vasant Vihar, New Delhi from where she was forcibly evicted on 05.05.2008. It is the further contention of

the Appellant that the said matrimonial home, being a joint family property, was acquired by her father -in -law, namely, Respondent No. 4's father which was transferred by his mother in his favour after the demise of her husband and that subsequently Respondent No. 4 was taking every effort to transfer the said property without the consent of other members of the family.

( 3. ) IT is in the above stated background the Appellant filed a Suit No. 51/2008 on the file of the Metropolitan Magistrate, Patiala House Courts, New Delhi Under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter to be called as "the Act") claiming various reliefs, namely, protection orders Under Section 18 of the Act, residence orders Under Section 19 of the Act, monetary relief Under Section 20 of the Act, compensation and damages Under Section 22 of the Act, interim orders Under Section 23 of the Act and order prohibiting Respondent No. 4 from committing acts of domestic violence and from repeating the same and such other interim orders as the Court may deem fit, just and proper in the facts and circumstances of the case. ;

**[Click here to view full judgement. \(/\)](#)**

Copyright © Regent Computronics Pvt.Ltd.