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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 823/2025 CM APPL. 32228/2025**

SHELLY

.....Petitioner

Through: Mr. Ishan Sanghi, Adv with Ms.
Poorvashi Kalra, Advs.
versus

SHRI DAYA RAM AND ORS.

.....Respondent

Through: Mr. Lokesh Mali, Advocate Ms.
Sangeeta Bharti, Standing Counsel,
DJB.
Mr. Manish Srivastava Mr. Mukesh
Arora and Mr. Santosh, Advocates for
BSES.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
23.05.2025

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1. This petition has been filed alleging wilful disobedience of order dated 21st November 2024, passed by the Mahila Court, in **MC No. 624/2024**.
2. The relevant paragraphs of the said order read as under:



6. On perusal of the present petition as well as the arguments of both the Counsels, it has been agreed upon that the petitioner has been residing at A-60, Sanjay Bazar Road, Chander Vihar, Nilothi Extension, New Delhi with her husband since the date of her marriage. The Counsel for respondents has also submitted that the petitioner lived intermittently on rent with her husband but later came back to the house of the respondents. The ownership of the house lies with respondent no.1 but the house is the matrimonial house i.e. shared household of the petitioner. As per section 17 of DV Act, *'notwithstanding anything contained in any other law for the time being in force, every woman in a*



domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same'. The augment of the counsel for respondents that the petitioner has a right to reside in the house of her husband and not that of her father-in-law, does not sustain as the house of her husband till the time of his death was the house of his father. The husband and the petitioner did not have any separate household. As per the directions of Hon'ble Supreme Court in ***Prabha Tyagi Versus Union 2022 LiveLaw (SC) 474***, the death of the aggrieved person's husband would not result in cessation of the domestic relationship. That the appellant-aggrieved person would continue to be related to the respondents by virtue of her marriage. This right to reside in a shared household which is conferred on every woman in a domestic relationship is a vital and significant right. It is an affirmation of the right of every woman in a domestic relationship to reside in a shared household. Sub-Section (2) of Section 17 protects an aggrieved person from being evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law. A widowed daughter in law has a right to reside in the shared household, owned by her father-in-law, unless she is removed following due process of law.



7. Further, the interim relief of right of residence does not mean bare survival. It cannot mean to take away the basic facilities of living to an extent that the petitioner herself is forced to vacate the property, which appears to be the intent of the respondents. Report of protection officer has been perused which stated that she found out that the petitioner only has one room in which she

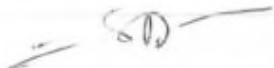


has made a kitchen and there was no electricity and water supply there. The Counsel for respondents has himself conceded that the shared household does not have electricity or water currently. Right of residence means right to live in a dignified manner with the basic amenities of survival. Further, a person cannot be expected to live without electricity, water etc. On inquiry, the petitioner has submitted that she is living there with her three children. While the right of residence is an essential right of petitioner, it must not be forgotten that the in-laws cannot be burdened with expenses in their old age of four persons. The petitioner has herself submitted vide separate statement on oath, that she is willing to bear the expenses that arises on account of electricity and water meter reading. Accordingly, it is appropriate that respondents restore the electricity and water connection meter and the petitioner bears her and her children's expenses for the same. The respondents shall bear their own expenses arising out of water and electricity meter and the petitioner shall bear her own as well as her children's expenses for electricity and water meter. **Respondents are directed to restore the electricity and water connection at the premises where the petitioner is residing, at the earliest.** Relief prayed qua clause c already stands granted as the petitioner is in possession of one room in shared household as per report of the protection officer.

As let compliance report be also called from the protection officer for NDOH i.e. **23.01.2025.**

Dasti be given to petitioner.




(Akansha Gautam)
Judicial Magistrate First class
(Mahila Court-04)



3. It transpires that the petitioner's late husband, *Mr. Lal Singh* passed away, and thereafter, she has been ill-treated by her *in-laws*.
4. In these circumstances, the directions as extracted above, were passed, effectively directing the respondents, to ensure that the electricity and water connections are restored at the premises where the petitioner is residing.
5. The application was filed under Section 23 of the Protection of Women from Domestic Violence Act, 2005. The *protection officer's* report, had also been received, which stated that the petitioner is residing in a single room, wherein she has made a kitchen, as well. There is no water/electricity at the residence.
6. It had been recorded that the petitioner was ready to pay electricity/ water connection bills and the statement of the petitioner, in this regard, has been recorded.
7. It is stated that respondent nos. 1-6 (*family members of petitioner's deceased husband*) have not complied with the order dated 21st November 2024, intentionally.
8. In this regard, an order of 20th March 2025 was also passed by the Mahila Court, which reads as under:



4. On perusal of the present application, it is seen that this Court on 21.11.2024 directed the respondents to restore the electricity and water connection at the premises where the petitioner is residing, at the earliest. The petitioner has submitted that till date, she is living without electricity and water at the residence. Report of protection officer dated 23.01.2025 also shows that the respondents have simply refused to comply with the Court order, for which they are liable to face necessary action and recourse may also be taken against them by the petitioner. In the present facts, petitioner alongwith her two children, is residing without electricity and water. A person cannot be expected to live without kitchen gas, electricity, water etc. when living in a shared household. The respondents have averred they being senior citizens are barely using any electricity while the petitioner is using multiple appliances, which creates a financial burden upon them. In order to balance the rights of aged in-laws and widowed daughter-in-law who has custody of minor children and impending summer, and at the request of applicant/ petitioner, this Court deems it fit that a sub-meter be installed from the main meter of ground floor of



property bearing no. A-60, Sunday Bazar Road, Chander Vihar, Nilothi Extension, New Delhi, at the limited portion where the petitioner is residing, so that units of the electricity and water actually consumed by the petitioner and her children can be recorded separately and the petitioner shall pay all the charges for installation and future bills of sub-meter only. The electricity and water bill of the petitioner and respondents shall be separately recorded and both will only pay their respective bills. **Let notice be issued to concerned Manager at BSES Rajdhani Power Limited, Nihal Vihar to ensure sub-meter is installed at the portion of house where applicant Shelly is residing and all charges for the same are received from Shelly only and all future bills issued on the said sub-meter number will be paid by her.** Let compliance report be filed by Manager at BSES Rajdhani Power Limited, Nihal Vihar after installation of sub-meter. Similarly for ensuring water access, at the request of applicant/ petitioner, **let notice be issued to Incharge, Delhi Jal Board of the concerned area to ensure sub-meter is installed at the portion of house where applicant Shelly is residing and all charges for the same are received from Shelly only and all future bills only for the sub-meter are in her name.** Let compliance report be filed by Incharge, Delhi Jal Board after installation of sub-meter. Both the agencies are at liberty to take assistance of concerned Police station for installation purposes. Respondents are directed to not create any hindrance in installation of sub-meters of water and electricity in the portion where petitioner is residing.

9. Directions have been passed, for installation of a *sub-meter* from the main meter of the ground floor of the property, bearing No. A-60, *Sunday Bazar, Chander Vihar, Nilothi Extension, New Delhi*, at the limited portion where the petitioner was residing, so that the units of electricity/ water, being consumed by the petitioner and the children, can be recorded separately. The petitioner had committed to pay for the electricity/ water units, consumed by her and her children.



10. It now transpires, that the respondent no.1 is restraining and impeding the installation of the electricity and water connections, by respondent no.7/ *BSES* and respondent no. 8/ *DJB*, respectively.

11. Petitioner's counsel states that she has been living without electricity and water connections, since 23rd September 2023.

12. Counsel for respondent nos. 7 & 8 are present, on directions of the Court. Counsel for *BSES* points out to a report which had been given, to the Mahila Court, on 19th May 2025, noting that they have initiated the process for installation of a *sub-meter/separate meter*, at petitioner's residence and when they visited the premises, twice, on 13th May 2025 and 15th May 2025, petitioner was not found at the residence.

13. They requested the *father-in-law* and the *sister-in-law* of the petitioner, to provide her contact number, but they did not cooperate, and rather, misbehaved, with the *BSES* team and the engineer.

14. It is stated that *BSES* can provide a separate electricity connection in the petitioner's name, after receiving a request from her side and upon completion of certain formalities.

15. In the facts and circumstances as stated above, as also, the situation which the petitioner finds herself in, it is directed that the separate electricity and water connections will be provided to the petitioner, in the portion that she is staying in, with her children.

16. The petitioner shall move the requisite application in this regard. There shall be no requirement of a no objection certificate from her *in-laws/ landlords/co-owners* and *co-occupiers*, of the said premises.

17. The petitioner will comply with other oral and commercial



formalities for getting a new connection.

18. Petitioner, appears in-person and states, that she works at a *beauty parlour*, and is unable to afford the deposit amount and has been straining herself for a number of years; considering the situation noted above, the said connection may be given to her, without payment of deposit, it is directed accordingly.

19. Petitioner, however, will make sure that she will pay for the dues arising out of consumption, as regards both, water and electricity.

20. She is being assisted by her legal-aid Counsel, *Mr. Ishan Sanghi*, who will assist her in completing the said formalities.

21. Considering the circumstances, as noted above, and the petitioners' strained relationship with her *in-laws* and the misbehaviour meted out and obstruction caused, by her *in-laws*, as noted by the BSES team, both the *BSES* and *DJB* teams will be accompanied by requisite police personnel including one female police personnel.

22. A copy of the order be sent to *P.S. Nihal Vihar*, in order that compliance is made, with the direction passed by the Court.

23. On filing the application, urgent action will be taken by *BSES* and *DJB*, to provide the connection, since it is a matter of essential utilities/ livelihood.

24. On filing the requisite application, the same will be processed within a week, thereafter.

25. Respondent nos.1-6 are directed to not impede and obstruct, the installation and connection of the electricity and water meters and monitoring and repairing of the same and shall commit no act, which shall deprive the petitioner and her children, of access to electricity and water.



26. Petition is disposed of accordingly.
27. A copy of the order be given '*dasti*' under the signature of the Court Master.
28. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 23, 2025/RK/kp