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

+ CRL.M.C. 4307/2025, CRL.M.A. 18797-18798/2025

MANSI ARYA

.....Petitioner

Through: Mr. Prashant Mendiratta, Ms. Neha
Jai, Ms. Soumyashree and Ms. Sneha
Mathew, Advocates.

versus

ANKIT JHAMB AND ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **04.07.2025**

1. The present petition filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023¹ impugns order dated 11th June, 2025 passed by the Additional Sessions Judge, South-East District, Saket Courts in CA No. 339/2025 titled as “*Mansi Arya v. Ankit Jhamb and Ors*”. By the impugned order, the Appellate Court upheld the decision of the Mahila Court declining to grant *ex-parte* directions permitting the Petitioner to visit her shared household (matrimonial home), accompanied by a Protection Officer, for the purpose of collecting her *stridhan* articles.

2. To appreciate the grievance raised by the Petitioner, it is necessary to briefly outline the factual backdrop of the case:

2.1 The Petitioner married Respondent No. 1 on 25th January, 2023. However, due to matrimonial discord, the parties have been residing separately since 18th January, 2025. The Petitioner has filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act,

¹ “BNSS”



2005,² alleging that she was subjected to domestic violence by the Respondents.

2.2 In those proceedings, the Petitioner filed an application under Section 23 of the DV Act, seeking various reliefs including *ex-parte* direction to the Protection Officer to accompany the Petitioner to the shared household for retrieving her *stridhan* articles.

2.3 The Judicial Magistrate First Class (Mahila Court)-02, South-East District, Saket Courts, *vide* order dated 30th May, 2025, declined to grant the *ex-parte* interim relief sought. Instead, the Trial Court deemed it appropriate to first issue notice to the Respondents, affording them an opportunity to respond to the allegations before considering coercive interim directions.

2.4 Aggrieved by this refusal, the Petitioner preferred an appeal under Section 29 of the DV Act. The Appellate Court, by its order dated 11th June, 2025, concurred with the Trial Court and similarly declined to grant *ex-parte* relief, directing instead that notice be issued to the Respondents. The said order reads as under:

“As per petition, the parties resided together at shared household till 18.01.2025. In view of period of separation of the parties, extremely urgent relief of ex-parte nature is not deemed expedient. The respondent must be put to notice of the application to be able to respond to it, albeit through a short notice.

Issue notice of application to the respondents, on filing of PF/dasti, for 16.06.2025.”

2.5 However, the notice could not be served to the Respondents owing to the Petitioner’s failure to deposit the requisite process fee. Consequently, on the scheduled date of hearing before the Appellate Court, *i.e.*, 16th June, 2025, the matter was adjourned.

² “DV Act”



2.6 Mr. Prashant Mendiratta, counsel for the Petitioner submits that owing to the urgency of the *ex-parte* reliefs, the Petitioner had approached this Court seeking early listing of the matter before the Vacation Judge. However, finding no exceptional urgency, the request was declined, and the matter was not listed during the summer vacation. Thereafter, following the resumption of regular court functioning post-vacation, the present petition was instituted.

3. The Court has heard Mr. Mendiratta at length. At the outset, it is imperative to underscore that the Court discerns no cogent or justifiable basis for the urgency projected by the Petitioner, particularly when she has failed to take any steps to serve the notice upon the Respondents since 11th June, 2025. In these circumstances, the purported urgency appears to be contrived, ostensibly to secure an *ex-parte* direction authorizing the Protection Officer to enter the shared household under the cloak of a judicial order, thereby effectively denying the Respondents an opportunity to respond to the allegations made against them.

4. Mr. Mendiratta has contended that on 13th March, 2025, the Petitioner had visited the shared household to retrieve her belongings, but was allegedly denied access to the bedroom. He also expressed apprehension that the Petitioner's articles might have already been removed from the premises. However, even this contention does not, in the opinion of this Court, justify the grant of an *ex-parte* order at this juncture. If, as claimed, the belongings have already been removed owing to the passage of time, the premise of urgency relied upon to seek an immediate *ex-parte* direction for their retrieval from the very same premises stands fundamentally undermined.

5. In view of the foregoing, the Court is of the view that the urgency



sought to be portrayed by the Petitioner is neither substantiated nor compelling enough to warrant the grant of an *ex-parte* relief. This Court concurs with the concurrent findings of the Mahila Court and the Appellate Court that the Respondents must be afforded a fair and meaningful opportunity to present their case and to answer the allegations levelled against them. Accordingly, this Court finds no ground to interfere, and the present petition is, therefore, dismissed.

6. Before parting, it bears reiteration that the principles of natural justice mandate that no party should be condemned unheard. Even in cases involving matrimonial disputes and claims of *stridhan* recovery, the rights of the other side to be put on notice and to respond must be preserved, unless there exist extraordinary and demonstrable reasons warranting deviation. In the present case, no such exceptional circumstances have been shown.

7. Considering that the underlying proceedings are currently pending before the Mahila Court and the Appellate Court, this Court refrains from making any observations or expressing any opinion on the merits of the allegations raised by the Petitioner, so as not to prejudice the parties in those forums.

8. All rights and contentions of the parties are reserved. The Court has not commented on the merits of the case.

9. The petition is dismissed along with pending application(s).

SANJEEV NARULA, J

JULY 4, 2025

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