



\$~76

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 4076/2025 & CRL.M.A. 36685/2025**
BABLU THORIAPetitioner

Through: Mr. R.P. Tomar and Mr. Aviral
Tomar, Advocates.

versus

DEEPA THORIA & ANR.Respondents
Through: Mr. Anand V. Khatri, ASC for State
with SI Mohit Kumar, P.S. Tilak
Nagar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.12.2025

%

1. This writ petition seeks declaration of the marriage between the Petitioner and Respondent No. 1 on 20th February, 2025 as null and void. The Petitioner also seeks eviction of Respondent No. 1 from his property.
2. The Petitioner married Respondent No. 1 on 10th December, 2010 according to Hindu rites and ceremonies. Parties have no child from this marriage. Subsequently, on account of temperamental differences, the parties filed a petition under Section 13B(1) of the Hindu Marriage Act, 1955¹ before the Family Court, seeking divorce by mutual consent. In accordance with the settlement terms, the Petitioner paid an amount of INR 30 lakhs to Respondent No. 1 at the stage of recording the first-motion statement, followed by INR 21 lakhs at the stage of recording the second-motion statement. On the basis of these statements, the Family Court passed

¹ "HMA"



a decree of divorce by mutual consent under Section 13B(2) of the Act dated 20th January, 2024.

3. Thereafter, the Petitioner and Respondent No. 1 once again entered into a matrimonial alliance by performing ceremonies at the Arya Samaj Mandir on 20th February, 2025. A certificate to this effect, issued by the priest/pujari of the Arya Samaj Mandir, has been annexed with the petition.

4. The Petitioner contends that he was induced to participate in the said ceremonies and that the marriage of 20th February, 2025 is, in essence, a sham. He further alleges that Respondent No. 1, along with her younger brother, is residing in his apartment as a trespasser. He asserts that Respondent No. 1 coerced him into transferring additional sums of money to her brother. Further, the elder brother of Respondent No. 1 also visited his premises accompanied by “goonda elements” and threatened to implicate him and his family in false criminal cases unless he transferred ownership of the apartment to Respondent No. 1. Aggrieved, the Petitioner lodged written complaints before the SHO, P.S. Tilak Nagar, as well as before the DCP (West), but to no avail. Consequently, the present petition has been filed seeking the following relief:

“i) *declare ‘the purported marriage between the petitioner and the respondent on 20.2.2025 is illegal and declare as null and void as the mutual divorce decree has already been passed by the Hon’ble Court of Shri Arun Sukhija Judge, Family court-02, West Distt. Tis Hazari Court, Delhi on 15.2.2024 and also to Evict the illegally residing Respondent from the Property/ flat of the Petitioner Bearing No. WZ-37, Plot No.70, Upper Ground Floor, Vishnu Garden, New Delhi- 110018.’*”

5. In the opinion of this Court, the reliefs sought in the present petition are wholly misconceived and do not warrant the exercise of this Court’s jurisdiction under Article 226 of the Constitution of India. The prayer



seeking a declaration that the purported second marriage between the Petitioner and Respondent No. 1 is null and void, entails adjudication of disputed questions of fact, including whether the alleged marriage was induced, coerced, or a sham. Such contested factual issues cannot be examined in the exercise of writ jurisdiction. If the Petitioner seeks to challenge the validity of the marriage or to have it declared null and void, he is at liberty to avail himself of the appropriate statutory remedies before the competent matrimonial forum, in accordance with law.

6. Similarly, the Petitioner's prayer seeking eviction of Respondent No. 1 from the subject property also falls outside the scope of writ jurisdiction. Questions relating to ownership, possession or eviction in immovable property are to be adjudicated before the appropriate civil court. This Court cannot, in a writ petition, undertake such factual adjudication or grant relief in the nature of recovery of possession.

7. As regards the Petitioner's grievance concerning alleged inaction on the part of the police in responding to his complaints, he is at liberty to seek recourse under the provisions of Section 156(3) of the Cr.P.C., by approaching the concerned Judicial Magistrate for appropriate directions, if so advised.

8. In view of the foregoing, the petition is dismissed, along with pending application.

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

SANJEEV NARULA, J

DECEMBER 9, 2025/as