

## Court Reaffirms Widow's Right to Reside in Matrimonial Home After In-Laws' Eviction Attempt



In a significant ruling upholding the rights of women under the Protection of Women from Domestic Violence Act, 2005 (DV Act), a Delhi court has intervened to protect a widow and her minor child from being unlawfully evicted from their matrimonial home by her in-laws. The court's decision, delivered by Judicial Magistrate First Class Sonika on July 19, 2025, underscores the principle that a woman's right to residence in her shared household endures even after the death of her husband.

The case involved a woman who married in 2011 and tragically lost her husband in 2015. Following his demise, she alleged a pattern of cruel treatment, neglect, and ultimately, forced eviction by her in-laws. Her legal representation, Advocate Manish Bhadauria, presented evidence of physical assault in June 2018 and ongoing verbal and physical abuse in July 2018, culminating in her being thrown out of the shared household in August 2018. The advocate contended that these actions were motivated by a desire to disinherit the woman and her child from the family property.

The in-laws, in their defense, denied all allegations, asserting the claims were false and lacked specific dates or incidents of harassment. They also claimed the woman had, even during her husband's lifetime, often withdrawn from his company without justification.

Despite these denials, the court recognized the property as the woman's shared household and matrimonial home, a fact not disputed by the respondents. The judge explicitly stated, "As far as the relief sought by the petitioner regarding residence is concerned, as per the petition as well as the Domestic Incident Report (DIR), the property... is the shared household and the

matrimonial house of the petitioner." The court affirmed that she and her minor child possess the right to reside there.

This ruling aligns with established legal precedents and the spirit of the DV Act, which aims to provide effective protection to women from various forms of domestic violence, including economic abuse and the threat of dispossession from their homes. The Act broadly defines "domestic relationship" and "shared household" to ensure that women, including widows, are not left vulnerable after the loss of their spouse. Furthermore, the court noted that the woman also has the right to seek maintenance from her in-laws, reinforcing the comprehensive legal safeguards available to her.

The decision serves as a crucial reminder that a widow's right to dignified living and shelter in her matrimonial home is a legally protected entitlement, not contingent on the whims of her in-laws. It reinforces the judiciary's commitment to upholding women's rights and ensuring their security within the family structure.