

Archana Goindi Khandelwal v. Rajesh Balkrishnan Menon, (2022-3)207 PLR 417 (SC),

SUPREME COURT OF INDIA

Before: Justice M.R. Shah and Justice B.V. Nagarathna.

Petition(S) for Special Leave to Appeal (C) No(S). 2939 of 2022. D/d. 4.3.2022.

ARCHANA GOINDI KHANDELWAL – Petitioner

Versus

RAJESH BALKRISHNAN MENON and Ors. – Respondents

Protection of Women from Domestic Violence Act, 2005 – [Tenancy](#) – Dispute between husband and wife – Does not affect the landlords rights over the property – Shall not preclude and/or affect the right of the landlord to get the possession if otherwise he is entitled to the same – A landlord, who otherwise is entitled to the decree of eviction should not be made to suffer – Wifes grievance against the husband, in respect of the alternative accommodation, is required to be adjudicated in the proceedings under the Domestic Violence Act and/or any other remedy as may be available to her against the husband.

Mr. V.K. Anand and Ravi Kumar Tomar, for the Petitioner.

ORDER

We are in complete agreement with the view taken by the High Court. In a dispute between the husband and wife under the Domestic Violence Act, the landlord, who otherwise is entitled to the decree of eviction should not be made to suffer. The dispute between the husband and wife under the Domestic Violence Act shall not preclude and/or affect the right of the landlord to get the possession if otherwise he is entitled to. If the wife has any grievance against the husband, may be in respect of the alternative accommodation, the same is required to be adjudicated in the proceedings under the Domestic Violence Act and/or any other remedy which may be available to her against the husband.

2. The Special Leave Petition stands dismissed.

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