

What is a shared household?

Under the Domestic Violence Act, 2005, a woman involved in a marital dispute has the right to live in her estranged husband's house. Such homes are considered to be 'shared'



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The institution of marriage is considered sacred in India since time immemorial but the changing social and family environment has led to an unfortunate rise in cases of marital discord. The underlying causes of disharmony have resulted in disputes between couples that come up for consideration in courts, seeking

relief under various laws. The Protection of Women from Domestic Violence Act, 2005, ('Act') is one such Act which gives the right to an aggrieved woman to reside in her matrimonial home or shared household. Under this Act, such right to seek residence is irrespective of whether or not the woman has any title or rights in such a home or household. Therefore, for an aggrieved woman to successfully assert her right of residence, it becomes imperative to understand the meaning of a shared household.

A shared household is one where a woman involved in a marital dispute related to

domestic violence resides. Such a household may jointly belong to the man she has been married to. It could also mean a house which has been rented by the disputing couple.

However, shared household has been misunderstood on several occasions whereby the property of the husband's parents has been wrongly categorised as shared household. Numerous cases have come up in courts where the estranged wife claimed the right of residence in the shared household even though the house in question belonged to the father-in-law or mother-in-law. While deciding

one of the cases, the Supreme Court of India has held that the wife is only entitled to claim a right to residence in a shared household. A shared household refers to the house belonging to or taken on rent by the husband or the joint properties in which the husband has a share. The Supreme Court also held that the rights which may be available under any law can only be against the husband involved in the marital dispute and not against the father-in-law or mother-in-law.

In a recent judgment, the Delhi High Court also held that the daughter-in-law has no right

to continue to occupy property self-acquired by her parents-in-law against their wishes more so when her husband has no independent right therein nor is living there, as it is not a shared household within the meaning of the Act. However, the wife is entitled to claim a right in a shared household which means a house belonging to or taken on rent by the husband or a house which belongs to the joint family of which husband is a member.

The daughter-in-law cannot assert her rights, if any, in the property of her parents-in-law wherein her husband

has no rights, title or interest. She cannot continue to live in such a house of her parents-in-law against their consent and wishes.

The judgment has said that there is no obligation on parents-in-law to provide residence to their daughter-in-law unless it is a shared household.

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