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Kerala High Court Affirms Widow’s Right to Reside in Matrimonial Home under Domestic Violence Act

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In a recent judgment, the High Court of Kerala reaffirmed the fundamental rights of a woman under the Protection of Women from Domestic Violence Act, 2005. In the case of Chenthamara @ Kannan & Ors vs. Meena, Crl. R.P. No. 286 of 2018, the court addressed the issue of a widow's right to reside in her matrimonial home after the death of her husband. Justice M.B. Snehalatha dismissed a revision petition filed by the in-laws, solidifying key interpretations around the definitions of aggrieved person, shared household, and domestic relationship under the Act.

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Background

Meena, the petitioner, filed a case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (DV Act) alleging that her in-laws (respondents 1 to 5) tried to oust her from the shared household and also caused obstruction to her and her children from entering the shared household and their peaceful residence. She also alleged domestic violence after the death of her husband.

Initially, the Magistrate Court dismissed her petition contending that she failed to prove a domestic relationship between her and the respondents or qualify as an aggrieved person as defined under the DV Act, 2005. Later, the Sessions Court reversed the decision and granted her protection and residence orders in her favour. This prompted the in-laws to file a revision petition in the High Court of Kerala.

Court's Observations

In Chenthamara @ Kannan & Ors vs. Meena, Crl. R.P. No. 286 of 2018, the High Court highlighted the importance of Section 17 of the DV Act, 2005. This provision states that every woman in a domestic relationship has the right to live in the shared household, regardless of whether she possesses any right, title, or beneficial interest in

it. The High Court relied on a Supreme Court judgment of Prabha Tyagi v. Kamlesh Devi (2022), where the apex court ruled that "it is not mandatory for the aggrieved person to have actually lived or resided with those persons against whom the allegations have been levelled at the time of seeking relief. If a woman has the right to reside in a shared household, she can accordingly enforce her right under Section 17(1) of the D.V Act".

Scope of Section 17 of the D.V Act, 2005

This provision provides that every woman in a domestic relationship shall have the right to reside in the shared household. This provision was introduced to prevent a common form of abuse that is, displacement and dispossession of women from her marital home. The right to recognise the importance of shelter and security as fundamental to a woman's dignity. This right is crucial for a woman's safety and dignity ensuring that she is not forcibly removed or homeless due to domestic abuse.

Aggrieved Person and Domestic Relationship

As per Section 2 (a) under the Protection of women from Domestic Violence Act, 2005, an aggrieved person means "any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent". In this case, Justice M. B. Snehalatha held that Meena clearly qualified as an aggrieved person.

According to Section 2(f) under Protection of women from Domestic Violence Act, 2005 defines domestic relationship as, “a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption or are family members living together as a joint family”. Therefore, even after relocating to her parents’ home following her husband’s passing, her interactions with her in-laws and her stay at the marital residence distinctly reflect domestic relationships.

Conclusion

The ruling of the Kerala High Court in **Chenthamara @ Kannan & Ors. v. Meena, Crl. R.P. No. 286 of 2018**, represents a significant affirmation of the rights established under the Protection of Women from Domestic Violence Act, 2005. It clarifies that a woman’s right to reside in her matrimonial home does not cease upon her husband’s death. Instead, it continues as part of her broader entitlement to safety and dignity within the shared household.

By interpreting the provisions of the Act in a broad and purposeful manner, the Court emphasized that widowhood does not terminate the domestic relationship or prevent access to protection under the DV Act. Crucially, this judgment fortifies the legal framework against the eviction and dispossession of women from their matrimonial homes, which constitutes a form of silent and systemic abuse. It upholds the constitutional guarantees under Article 14 (equality), Article 15 (non-discrimination), and Article 21 (right to life with dignity), providing women with a legal remedy and reaffirming their rightful position within the family and the home.

This ruling transcends the protection of Meena’s rights, it reflects a broader judicial commitment to gender justice and women’s autonomy, ensuring that no woman is left vulnerable simply due to the death of her husband. It establishes a clear precedent the law will not accept coercive eviction disguised as familial rights.

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