



drishti

Change in the Provision of the Domestic Violence Act

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In a significant judgement that will ensure more equity in any case of marital discord, a two-judge bench of Supreme Court reinterpreted the provisions of the **Domestic Violence Act of 2005**.

Background

- A Bench of Justices D.Y. Chandrachud and Hemant Gupta interpreted the provisions of the Domestic Violence Act of 2005 to confirm an order of a Panipat Sessions Judge that respondent should pay maintenance to the widow and minor child of his dead brother.
- Both brothers lived in the ancestral family home on different floors. After the brother's death, the widow was not permitted to live in the same house.

What's the New Provision?

The supreme court defined "relationship" in the case of **Hindu undivided family (HUF)**.

- According to the court, relationship in case of HUF means "relationship where two persons live or have lived together at any point of time in a shared household when they are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption or are members living together as a joint family".
- The court further read the term "**shared household**" to include "such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household".