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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment reserved on: 25.08.2025***
Judgment pronounced on: 11.09.2025

\+ MAT.APP.(F.C.) 303/2025 & CM APPL. 52720/2025

MANIA GHAI .....Petitioner
Through: Ms. Anju Jain, Mr. Hitesh Sachar, Mr. Lakshay Nagpal and Mr. Dev Inder Singh, Advocates.

versus

NISHANT CHANDER .....Respondent
Through: *Nemo*.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Appeal, under Section 19(1) of the Family Courts Act, 1984, has been filed by the Appellant assailing the **Order dated 16.07.2025**[1] passed by the learned **Principal Judge, Family Court, Rohini (North), Delhi**[2], in CS No. 12/2025 titled *"Mania Ghai v. Nishant Chander."* By way of the Impugned Order, the learned

[1] Impugned Order
[2] Family Court

Family Court rejected, at the threshold, the civil suit instituted by the Appellant for declaration, mandatory injunction, and permanent injunctions, holding that the plaint failed to disclose any cause of action.

2. Shorn of unnecessary details, the facts, as pleaded by the Appellant and relevant for the present Appeal, are as follows:-

(a). The parties are husband (*Respondent*) and wife (*Appellant*), whose marriage was solemnised on 16.11.2005 in accordance with Hindu rites and ceremonies.

(b). Two children, *namely*, Ardaan and Arvaan, were born out of the wedlock on 27.01.2009 and 13.12.2012, *respectively*.

(c). After marriage, the parties initially resided in a rented accommodation from 17.11.2005 until May 2006. Thereafter, a residential flat, being **Flat No. B-902, Tarika Apartments, Sector-43, DLF, Gurgaon, Haryana-122002**[3], was purchased in the name of the Respondent.

(d). The family resided therein until 04.06.2017. Subsequently, in July 2017, the parties, along with their two children, relocated to Doha, Qatar. During this period, the subject property was let out on rent.

(e). In 2020, the Respondent returned to India after losing his employment. He later secured another job in Kuwait in 2022 and moved there, leaving the Appellant and the children in Qatar. Since 2020, the parties have not been residing together.

[3] Subject property

(f). Due to matrimonial discord, the Appellant instituted a petition for divorce before the Family Court, Rohini (North), Delhi, which is presently pending adjudication.

(g). Thereafter, the Appellant filed Civil Suit No. 12/2025 before the learned Family Court, *inter alia*, seeking the following substantive reliefs:-

i. *Decree of Declaration, thereby declaring that the Appellant/Plaintiff will have an equal and lawful right over the subject property. Further, the Appellant/Plaintiff be declared as the owner of 50% along with the possession of the subject property.*

ii. *Decree of Mandatory Injunction, thereby directing the Respondent/Defendant not to obstruct, interfere, or dispossess the Appellant from the peaceful use of the subject property, either directly or indirectly.*

iii. *Decree of Permanent Injunction, thereby directing the Respondent not to sell, dispose of, create third party rights in the subject property, either directly or indirectly.*

iv. *Decree of Mandatory Injunction, thereby directing the Respondent to share the 50% rent of the subject property with the Appellant, failing which, the Respondent be directed to deposit the said amount before the Court and the same be further released in favor of the Appellant.*

(h). Upon perusal of the plaint, the documents placed on record, and after hearing the submissions advanced on behalf of the Appellant/Plaintiff, the learned Family Court, by the Impugned Order dated 16.07.2025, dismissed the suit *in limine* on the ground that it did not disclose any cause of action. While doing so, the learned Family Court arrived at the following findings:-

> "…In view of the foregoing discussion, it can be held that the petitioner has not claimed that she ever contributed a single penny in purchase of the suit property. It is also not the case of the plaintiff that the defendant wrongly or by playing fraud got the documents of the suit property in his name to the exclusion of the plaintiff. Further, mere maintaining the suit property being the wife of the defendant does not vest any right w.r.t. the suit property in favour of the plaintiff because the defendant is alive as of date. Therefore, I am of the opinion that the plaint does not disclose any cause of action in favour of the plaintiff. Accordingly, the plaint is rejected."

3. Aggrieved by the aforesaid dismissal, the Appellant has preferred the present Appeal.

SUBMISSIONS:

4. Learned counsel for the Appellant would submit that the Impugned Order was passed *in limine* without affording the Appellant a fair opportunity to prosecute the matter, and would contend that the dismissal of the suit at the threshold, *suo motu*, even though the Respondent neither filed any application under Order VII Rule 11 of the **Code of Civil Procedure, 1908**[4], nor issued any notice indicating such intent, amounts to a violation of the principles of *audi alteram partem* and fair procedure.

5. Learned counsel would further submit that the wife"s role as a homemaker, which involves managerial, healthcare, and domestic responsibilities, enables the husband to engage in gainful employment and contributes directly to the acquisition of family assets, and therefore, any property acquired during the marriage, whether in the name of the husband or wife, must in equity and law be treated as the product of their joint efforts, and denial of the wife"s share, particularly where she has sacrificed paid employment for family care, would

amount to grave injustice, and accordingly a presumption of joint beneficial interest must arise in favour of both spouses. For this purpose, the learned counsel for the Appellant would place reliance upon the judgment of the Madras High Court in ***Kannaian Naidu (Died) and others v. Kamsala Ammal and Others***[5], particularly paragraphs 46 to 49 thereof, wherein the Court has held as follows:-

[4] CPC

[5]2023 SCC OnLine Mad 4077

> "**46.** A wife, being a home maker performs multi tasks, viz., as a Manager with managerial skills-planning, organizing, budgeting, running errands, etc.; as a Chef with culinary skills-preparing food items, designing menus and managing kitchen inventory; as a Home Doctor with health care skills-taking precautions and giving home made medicines to the members of the family; as a Home Economist with financial skills-planning home budget, spending and saving, etc. Therefore, by performing these skills, a wife, makes the home as a comfortable environment and her contribution towards the family, and certainly it is not a valueless job, but it is a job doing for 24 hours without holidays, which cannot be less equated with that of the job of an earning husband who works only for 8 hours.
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> **47.** The contribution which wives make towards acquisition of the family assets by performing their domestic chores, thereby releasing their husbands for gainful employment, would be a factor which, this Court would specifically take into account while deciding the right in the properties either the title stand in the name of the husband or wife and certainly, the spouse who looks after the home and cares for family for decades, entitled to a share in the property.
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> **48.** If, on marriage, she gives up her paid work in order to devote herself to caring for her husband and children, it is an unwarrantable hardship when in consequence she finds herself in the end with nothing she can call her own.
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> **49.** When the husband and wife are treated as two wheels of a family cart, then the contribution made either by the husband by earning or the wife by serving and looking after the family and children, would be for the welfare of the family and both are entitled

> equally to whatever they earned by their joint effort. The proper presumption is that the beneficial interest belongs to them jointly. The property may be purchased either in the name of husband or wife alone, but nevertheless, it is purchased with the monies saved by their joint efforts."

ANALYSIS:

6. We have heard the submissions of the learned counsel for the Appellant at length and have carefully perused the Impugned Order as well as the material placed on record.

7. The first contention advanced by the Appellant is that the learned Family Court could not have, on its own motion, rejected the plaint on the ground of absence of cause of action.

8. In our considered opinion, this submission of the Appellant is wholly devoid of merit. It is a settled principle of law that the Court, while exercising powers under Order VII Rule 11 of the CPC, is dutybound to examine whether a plaint discloses a clear right to sue. If upon a meaningful reading of the plaint, it is found that the suit, though perhaps skilfully drafted, merely creates an illusion of a cause of action and is, in substance, bereft of any enforceable legal right, the Court has the authority to nip such litigation in the bud at the very first hearing itself.

9. Our view finds support from the authoritative pronouncement of the Hon'ble Supreme Court in ***Rajendra Bajoria v. Hemant Kumar Jalan***[4], wherein it was held that while the Court must formally and meaningfully read the averments in the plaint, if such pleadings are manifestly vexatious and devoid of merit, the Court should not hesitate

[4] (2022) 12 SCC 641

to exercise its powers under Order VII Rule 11 of the CPC. The Court emphasised that such suits, which are bound to fail, ought to be rejected at the threshold rather than being allowed to consume judicial time unnecessarily. The relevant extracts of ***Rajendra Bajoria*** *(supra)* are reproduced herein below:-

> **"15.** It could thus be seen that this Court has held that reading of the averments made in the plaint should not only be formal but also meaningful. It has been held that if clever drafting has created the illusion of a cause of action, and a meaningful reading thereof would show that the pleadings are manifestly vexatious and meritless, in the sense of not disclosing a clear right to sue, then the court should exercise its power under Order 7 Rule 11CPC. It has been held that such a suit has to be nipped in the bud at the first hearing itself.
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> **17.** It could thus be seen that the court has to find out as to whether in the background of the facts, the relief, as claimed in the plaint, can be granted to the plaintiff. It has been held that if the court finds that none of the reliefs sought in the plaint can be granted to the plaintiff under the law, the question then arises is as to whether such a suit is to be allowed to continue and go for trial. This Court answered the said question by holding that such a suit should be thrown out at the threshold. This Court, therefore, upheld the order passed by the trial court of rejecting the suit and that of the appellate court, thereby affirming the decision of the trial court. This Court set aside the order [*Manorama Sirsi* v. *Pearlite Liners (P) Ltd.*, 2001 SCC OnLine Kar 850] passed by the High Court, wherein the High Court had set aside the concurrent orders of the trial court and the appellate court and had restored and remanded the suit for trial to the trial court.
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> **19.** We are in complete agreement with the findings of the High Court. Insofar as the reliance placed by Shri Jain on the judgment of this Court in *Dahiben* [*Dahiben v. Arvindbhai Kalyanji Bhanusali*, (2020) 7 SCC 366: (2020) 4 SCC (Civ) 128], to which one of us (L. Nageswara Rao, J.) was a member, is concerned, in our view, the said judgment rather than supporting the case of the plaintiffs, would support the case of the defendants. Paras 23.3, 23.4, 23.5 and 23.6 in *Dahiben* [*Dahiben* v. *Arvindbhai Kalyanji Bhanusali*, (2020) 7 SCC 366: (2020) 4 SCC (Civ) 128] read thus:
> (SCC p. 377)
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> "*23.3*. The underlying object of Order 7 Rule 11(*a*) is that if in a suit, no cause of action is disclosed, or the suit

is barred by limitation under Rule 11(*d*), the court would not permit the plaintiff to unnecessarily protract the proceedings in the suit. In such a case, it would be necessary to put an end to the sham litigation, so that further judicial time is not wasted.

23.4. In *Azhar Hussain* v. *Rajiv Gandhi* [*Azhar Hussain* v. *Rajiv Gandhi*, 1986 Supp SCC 315. Followed in *Manvendrasinhji Ranjitsinhji Jadeja* v. *Rajmata Vijaykunverba*, 1998 SCC OnLine Guj 281: (1998) 2 GLH 823] this Court held that the whole purpose of conferment of powers under this provision is to ensure that a litigation which is meaningless, and bound to prove abortive, should not be permitted to waste judicial time of the court, in the following words: (SCC p. 324, para 12)

> „*12.* … The whole purpose of conferment of such powers is to ensure that a litigation which is meaningless, and bound to prove abortive should not be permitted to occupy the time of the court, and exercise the mind of the respondent. The sword of Damocles need not be kept hanging over his head unnecessarily without point or purpose. Even in an ordinary civil litigation, the court readily exercises the power to reject a plaint, if it does not disclose any cause of action.“

23.5. The power conferred on the court to terminate a civil action is, however, a drastic one, and the conditions enumerated in Order 7 Rule 11 are required to be strictly adhered to.

23.6. Under Order 7 Rule 11, a duty is cast on the court to determine whether the plaint discloses a cause of action by scrutinising the averments in the plaint [*Liverpool & London S.P. &I Assn. Ltd.* v. *M.V. Sea Success I*, (2004) 9 SCC 512], read in conjunction with the documents relied upon, or whether the suit is barred by any law."

20. It could thus be seen that this Court has held that the power conferred on the court to terminate a civil action is a drastic one, and the conditions enumerated under Order 7 Rule 11CPC are required

> to be strictly adhered to. However, under Order 7 Rule 11CPC, the duty is cast upon the court to determine whether the plaint discloses a cause of action, by scrutinising the averments in the plaint, read in conjunction with the documents relied upon, or whether the suit is barred by any law. This Court has held that the underlying object of Order 7 Rule 11CPC is that when a plaint does not disclose a cause of action, the court would not permit the plaintiff to unnecessarily protract the proceedings. It has been held that in such a case, it will be necessary to put an end to the sham litigation so that further judicial time is not wasted."

(emphasis supplied)

10. We also take note of the Judgment of the Hon"ble Supreme Court in ***Patil Automation (P) Ltd. v. Rakheja Engineers (P) Ltd***[5], wherein the Apex Court has held that the powers of the Court, while appreciating a Plaint are not circumscribed by the procedural requirement of the filing of an Application under Order VII Rule 11 of the CPC and such a power is implicit in the provision itself. In our opinion, the same is also commensurate with the use of the word "shall" in Order VII Rule 11 of the CPC, mandating the Court to reject a Plaint on the grounds mentioned therein. The relevant paragraphs for the present purposes are as follows:-

> "**92**. Order 7 Rule 11 declares that the plaint can be rejected on 6 grounds. They include failure to disclose the cause of action, and where the suit appears from the statement in the plaint to be barred. We are concerned in these cases with the latter. Order 7 Rule 12 provides that when a plaint is rejected, an order to that effect with reasons must be recorded. Order 7 Rule 13 provides that rejection of the plaint mentioned in Order 7 Rule 11 does not by itself preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action. Order 7 deals with various aspects about what is to be pleaded in a plaint, the documents that should accompany and other details. Order 4 Rule 1 provides that a suit is instituted by presentation of the plaint to the court or such officer as the court appoints. By virtue of Order 4 Rule 1(3), a plaint is to be deemed as

[5] (2022) 10 SCC 1

duly instituted only when it complies with the requirements under Order 6 and Order 7. Order 5 Rule 1 declares that when a suit has been duly instituted, a summon may be issued to the defendant to answer the claim on a date specified therein. There are other details in the order with which we are not to be detained. We have referred to these rules to prepare the stage for considering the question as to whether the power under Order 7 Rule 11 is to be exercised only on an application by the defendant and the stage at which it can be exercised.

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94.3. Order 7 Rule 11 does not provide that the court is to discharge its duty of rejecting the plaint only on an application. Order 7 Rule 11 is, in fact, silent about any such requirement. Since summon is to be issued in a duly instituted suit, in a case where the plaint is barred under Order 7 Rule 11(*d*), the stage begins at that time when the court can reject the plaint under Order 7 Rule 11. No doubt it would take a clear case where the court is satisfied. The Court has to hear the plaintiff before it invokes its power besides giving reasons under Order 7 Rule 12. In a clear

case, where on allegations in the suit, it is found that the suit is barred by any law, as would be the case, where the plaintiff in a suit under the Act does not plead circumstances to take his case out of the requirement of Section 12-A, the plaint should be rejected without issuing summons. Undoubtedly, on issuing summons it will be always open to the defendant to make an application as well under Order 7 Rule 11. In other words, the power under Order 7 Rule 11 is available to the court to be exercised suo motu. (See in this regard, the judgment of this Court in *Madiraju Venkata Ramana Raju* [*Madiraju Venkata Ramana Raju* v. *Peddireddigari Ramachandra Reddy*, (2018) 14 SCC 1] .)"

(emphasis supplied)

11. The Hon"ble Supreme Court, while rendering the above Judgment, relied upon its Judgment in ***Patasi Bai Vs. Ratanlal***[6] and the relevant para of which, and as extracted in ***Patil Automation*** (*supra)* is as follows:-

"93. In *Patasibai* v. *Ratanlal* [*Patasibai* v. *Ratanlal*, (1990) 2 SCC 42] , one of the specific contentions was that there was no specific objection for rejecting of the plaint taken earlier. In the facts of the case, the Court observed as under : (SCC pp. 47-48, para 13)

> "*13*. On the admitted facts appearing from the record itself, the learned counsel for the respondent, was unable to show that all or any of these averments in the plaint disclose a cause of action giving rise to a triable issue. In fact, Shri Salve was unable to dispute the inevitable consequence that the plaint was liable to be rejected under Order 7 Rule 11CPC on these averments. All that Shri Salve contended was that the court did not in fact reject the plaint under Order 7 Rule 11CPC and summons having been issued, the trial must proceed. In our opinion, it makes no difference that the trial court failed to perform its duty and proceeded to issue summons without carefully reading the plaint and the High Court also overlooked this fatal defect. Since the plaint suffers from this fatal defect, the mere issuance of summons by the trial court does not require that the trial should proceed even when no triable issue is shown to arise. Permitting the continuance of such a suit is tantamount to licensing frivolous and vexatious litigation. This cannot be done."

[6] (1990) 2 SCC 42

(emphasis supplied)"

12. It is, therefore, abundantly clear that Courts are not powerless to act *suo motu* in rejecting a plaint when it is apparent, on the face of the record, that the suit lacks a cause of action. On the contrary, it is the obligation of the Court to terminate such frivolous proceedings at the inception itself, thereby conserving judicial time and protecting the opposite party from being subjected to vexatious litigation.

13. The learned Family Court, upon a consideration of the plaint, the averments made therein, and the documents relied upon, and an examination all relevant factors, found no substance in the claims of the Plaintiff/Appellant. The Impugned Order records the following findings:-

(i). The Appellant referred to a sale deed in the list of documents, yet no such deed was placed on record, nor were its particulars disclosed, despite specific queries made to the learned counsel for the Appellant.

(ii). Reliance was placed on a possession letter issued solely in the name of the Respondent. The Appellant did not dispute this fact, nor did she allege that the possession letter had been wrongly issued to exclude her rights, or that the Respondent procured title documents through fraud or misrepresentation.

(iii). The Appellant nowhere pleaded that she contributed any amount towards the purchase of the subject property, or arranged funds for its acquisition, with the understanding that the same would be purchased jointly in the names of both spouses.

14. In fact, before the learned Family Court, the Appellant admitted that the subject property exclusively belongs to the Respondent. Her sole assertion was that, as a homemaker engaged in managerial, healthcare, and domestic responsibilities, she enabled the Respondent to pursue gainful employment and thereby directly contributed to the acquisition of family assets.

15. In the Appeal too, the following Pleadings make it apparent that there was nothing to substantiate the claim of the Appellant. Para 3.14 of the Appeal reads as follows:-

> "**3.14** That the Appellant has equal right over the suit property, as the Appellant being the wife, though she did not make any direct financial contribution, she played a vital role in managing the household chores and managing day-to-day affairs of the family without giving any inconvenience to the Respondent. The Appellant has sacrificed her dreams and spent her entire life towards her family and children."

16. We are of the considered opinion that a matrimonial relationship is not merely a social arrangement but a legally recognised partnership that embodies the essence and fruits of marriage. It is a joint enterprise built on the common endeavour of both spouses, whose contributions, whether financial, emotional, or domestic, are integral to the stability and welfare of the family.

17. However, it must be clarified that mere residence of the wife in the matrimonial home, cannot, by itself, vest her with an indefeasible right of ownership over properties standing in the husband‟s name. A legitimate and enforceable claim to the husband‟s property must rest on proof of meaningful and substantive contribution. In the absence of such proof, ownership

remains with the titleholder, subject of course to statutory or equitable exceptions.

18. In ***Smita Jina v. Amit Kumar Jina***[7], this Court held that the right of a woman to reside in a shared household is statutorily safeguarded under law; however, such right is not absolute or indefeasible. The statutory protection ensures that a woman in a domestic relationship cannot be arbitrarily evicted or excluded from the shared household, irrespective of whether she holds any legal title or proprietary interest in the property. At the same time, the law does not elevate this right of residence into an ownership right, nor does it confer upon the wife an equal title in the husband‟s property solely by virtue of marriage. The relevant paragraph of ***Smita Jina*** *(supra)* is reproduced herein below:-

> "**19.** The next issue that arises for consideration is the Appellant‟s plea that the suit property constitutes her matrimonial home and a "shared household" within the meaning of Section 17 of the PWDV Act. Section 17 of the PWDV Act reads as under:
>
> > *17. Right to reside in a shared household. —*
> > *(1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.*
> >
> > *(2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.*
>
> A plain reading of the provision confers upon every woman in a domestic relationship the right to reside in the shared household, irrespective of whether she has any right, title or beneficial interest in the same. However, this right to residence is not absolute in nature. Sub-section (2) of Section 17 of the PWDV Act clarifies that such a

[7] 2025:DHC:6421-DB

> woman shall not be evicted or excluded from the shared household except in accordance with the procedure established by law. The combined reading of sub-sections (1) and (2) makes it clear that the right to reside in a shared household, though protected, is not indefeasible and is subject to lawful eviction or exclusion as per due process. The provision does not create a proprietary right in favour of the aggrieved person, nor does it preclude lawful civil proceedings such as those for partition, possession or eviction, if instituted in accordance with law.
>
> ***(emphasis supplied)***

19. To support her contentions, the Appellant relied upon the judgment of the Madras High Court in ***Kannaian Naidu*** (*supra*), wherein it was observed that the contribution of a homemaker, *albeit* non-pecuniary, constitutes a valuable and tangible input in the acquisition and sustenance of family assets, thereby warranting recognition while adjudging proprietary claims.

20. In our opinion, the factual matrix of ***Kannaian Naidu*** (*supra*) was wholly distinct. In that case, the wife had established her active role in augmenting and managing her husband‟s affairs, including operating his accounts, thereby acting in a fiduciary capacity over and above her domestic responsibilities. The suit property therein stood in the wife‟s name, although purchased from the husband‟s resources. Documentary evidence, including correspondence between the spouses, demonstrated that the wife‟s management of the household and her conscious decision to forego employment opportunities substantially enabled the husband to acquire assets.

21. In ***Kannaian Naidu*** (*supra*), the Madras High Court also held that immovable property acquired by the wife from her *stridhan*, gifted by her father at marriage, would constitute her absolute

property by virtue of Section 14(1) of the Hindu Succession Act, 1956.

22. The facts in ***Kannaian Naidu*** (*supra*) are further distinguishable, as in the present case, the marriage of the parties was held in November 2005 and the house was bought almost immediately thereafter in 2006. Assuming on demurrer that the rationale in ***Kannaian Naidu*** (*supra*) were applicable, in the present case, as opposed to the facts in ***Kannaian Naidu*** (*supra*), there arose no occasion for the spouse to "contribute" to the purchase of the residential property by "saving" any part of the monies as was observed in that case.

23. *Per contra*, in the present case, the Appellant has admitted that she neither contributed financially to the purchase of the property nor does the Plaint demonstrate contribution in terms of domestic efforts and savings thereof. The pleadings in the plaint are bald assertions and not substantiated by any cogent evidence supporting the alleged intangible contribution of the Appellant in the purchase of the property. It is, therefore, manifest that the foundation upon which the ***Kannaian Naidu*** (*supra*) ruling rested is conspicuously absent herein, and the ratio of that case cannot be transposed to the facts of the present dispute.

24. We also take note of the fact that the pleadings as well as the Reliefs as framed are premised on the declaratory relief as sought, seeking a right to the property. Since we are of the view that the primary relief is not maintainable, the remaining reliefs would also not survive.

25. Before parting, we would like to briefly refer to the manner in which the Hon"ble Supreme Court has taken highly progressive steps in various judicial pronouncements, respecting and taking note of the

"invaluable" and "high order" of the services and contribution that a homemaker makes in a household.

26. We take note of the authoritative pronouncements of the Hon"ble Supreme Court on the recognition of the invaluable contribution of homemakers in ***Kirti and Another v. Oriental Insurance Company Ltd.,***[8] wherein the Court underscored the necessity of duly recognising the services of homemakers and, in the context of Motor Accident Compensation, emphasised the importance of quantifying their role for the purpose of awarding just compensation. The relevant portion of the judgement are reproduced hereinbelow:-

> "**20.** One category of non-earning victims that courts are often called upon to calculate the compensation for are homemakers. The granting of compensation for homemakers on a pecuniary basis, as in the present case, has been considered by this Court earlier on numerous occasions. A three-Judge Bench of this Court in *Lata Wadhwa* v. *State of Bihar* [*Lata Wadhwa* v. *State of Bihar*, (2001) 8 SCC 197] , while dealing with compensation for the victims of a fire during a function, granted compensation to housewives on the basis of the services rendered by them in the house, and their age.
> This Court, in that case, held as follows: (SCC pp. 209-10, para 10)
>
> > "*10*. So far as the *deceased housewives are concerned, in the absence of any data and as the housewives were not earning any income, attempt has been made to determine the compensation on the basis of services rendered by them to the house*. On the basis of the age group of the housewives, appropriate multiplier has been applied, but the estimation of the value of services rendered to the house by the housewives, which has been arrived at Rs 12,000 p.a. in cases of some and Rs 10,000 for others, appears to us to

[8] (2021) 2 SCC 166

be grossly low. It is true that the claimants, who ought to have given data for determination of compensation, did not assist in any manner by providing the data for estimating the value of services rendered by such housewives. But even in the absence of such data and *taking into consideration the multifarious services rendered by the housewives for managing the entire family, even on a modest estimation, should be Rs 3000 per month* and Rs 36,000 p.a."

21. In *Arun Kumar Agrawal* v. *National Insurance Co. Ltd.* [*Arun Kumar Agrawal* v. *National Insurance Co. Ltd.*, (2010) 9 SCC 218 : (2010) 3 SCC (Civ) 664 : (2010) 3 SCC (Cri) 1313] , this Court, while dealing with the grant of compensation for the death of a housewife due to a motor vehicle accident, held as follows: (SCC pp. 237-38, paras 26-27)

"*26. In India the courts have recognised that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others*. A wife/mother does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer's work for particular hours. She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean, etc. but she can never be a substitute for a wife/mother who renders selfless service to her husband and children.

27. It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family i.e. the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother. In that context, the term "services" is required to be given a broad meaning and must be construed by taking into account the loss of personal care and attention given by the deceased to her children as a mother and to her husband as a wife. They are entitled to adequate compensation in lieu of the loss of gratuitous services rendered by the deceased. The amount payable to the

> dependants cannot be diminished on the ground that some close relation like a grandmother may volunteer to render some of the services to the family which the deceased was giving earlier."
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> (emphasis supplied)

The above pronouncement has been followed by this Court in its recent judgment in *Rajendra Singh* v. *National Insurance Co. Ltd.* [*Rajendra Singh* v. *National Insurance Co. Ltd.*, (2020) 7 SCC 256 : (2020) 4 SCC (Civ) 99 : (2020) 3 SCC (Cri) 134] , wherein the notional income of a deceased housewife was calculated for the purposes of granting compensation in a motor accident case.

22. Before discussing this topic further, it is necessary to comment on its gendered nature. In India, according to the 2011 Census, nearly 159.85 million women stated that "household work" was their main occupation, as compared to only 5.79 million men.

23. In fact, the recently released Report of the National Statistical Office of the Ministry of Statistics & Programme Implementation, Government of India called "*Time Use in India-2019*", which is the first Time Use Survey in the country and collates information from 1,38,799 households for the period January 2019 to December 2019, reflects the same gender disparity. The key findings of the survey suggest that, on an average, women spend nearly 299 minutes a day on unpaid domestic services for household members versus 97 minutes spent by men on average. Similarly, in a day, women on average spend 134 minutes on unpaid caregiving services for household members as compared to the 76 minutes spent by men on average. The total time spent on these activities per day makes the picture in India even more clear—women on average spent 16.9% and 2.6% of their day on unpaid domestic services and unpaid caregiving services for household members respectively, while men spent 1.7% and 0.8%.

24. It is curious to note that this is not just a phenomenon unique to India, but is prevalent all over the world. A 2009 Report by a Commission set up by the French Government, analysing data from six countries viz. Germany, Italy, United Kingdom, France, Finland and the United States of America, highlighted similar findings:

> "117. Gender differences in time use are significant. In each of the countries under consideration, *men spend more time in paid work than women and the converse is true for unpaid work*. Men also spend more time on leisure than women. *The implication is that women provide household services but other members of the household benefit*…"
>
> (emphasis supplied)

25. The sheer amount of time and effort that is dedicated to household work by individuals, who are more likely to be women than men, is not surprising when one considers the plethora of activities a housemaker undertakes. A housemaker often prepares food for the entire family, manages the procurement of groceries and other household shopping needs, cleans and manages the house and its surroundings, undertakes decoration, repairs and maintenance work, looks after the needs of the children and any aged member of the household, manages budgets and so much more. In rural households, they often also assist in the sowing, harvesting and transplanting activities in the field, apart from tending cattle [see *Arun Kumar Agrawal*; *National Insurance Co. Ltd.* v. *Deepika*]. However, despite all the above, the conception that housemakers do not "work" or that they do not add economic value to the household is a problematic idea that has persisted for many years and must be overcome.

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30. The issue of fixing notional income for a homemaker, therefore, serves extremely important functions. It is a recognition of the multitude of women who are engaged in this activity, whether by choice or as a result of social/cultural norms. It signals to society at large that the law and the courts of the land believe in the value of the labour, services and sacrifices of homemakers. It is an acceptance of the idea that these activities contribute in a very real way to the economic condition of the family, and the economy of the nation, regardless of the fact that it may have been traditionally excluded from economic analyses. It is a reflection of changing attitudes and mindsets and of our international law obligations. And, most importantly, it is a step towards the constitutional vision of social equality and ensuring dignity of life to all individuals.

31. Returning to the question of how such notional income of a homemaker is to be calculated, there can be no fixed approach. It is to be understood that in such cases the attempt by the court is to fix an approximate economic value for all the work that a homemaker does, impossible though that task may be. Courts must keep in mind the idea of awarding just compensation in such cases, looking to the facts and circumstances. [See *R.K. Malik* v. *Kiran Pal*.]

32. One method of computing the notional income of a homemaker is by using the formula provided in the Second Schedule to the Motor Vehicles Act, 1988, which has now been omitted by the Motor Vehicles (Amendment) Act, 2019. The Second Schedule provided that the income of a spouse could be calculated as onethird of the income of the earning surviving spouse. This was the method ultimately adopted by the Court in *Arun Kumar Agrawal*. However,

rationale behind fixing the ratio as one-third is not very clear. [See *Arun Kumar Agrawal*.]

33. Apart from the above, scholarship around this issue could provide some guidance as to other methods to determine the notional income for a homemaker. Some of these methods were highlighted by a Division Bench of the Madras High Court in *Deepika* which held as follows: (SCC OnLine Mad para 10)

> "*10*. The Second Schedule to the Motor Vehicles Act gives a value to the compensation payable in respect of those who had no income prior to the accident and for a spouse, it says that one-third of the income of the earning surviving spouse should be the value. Exploration on the internet shows that there have been efforts to understand the value of a homemaker's unpaid labour by different methods. *One is, the opportunity cost which evaluates her wages by assessing what she would have earned had she not remained at home viz. the opportunity lost. The second is, the partnership method which assumes that a marriage is an equal economic partnership and in this method, the homemaker's salary is valued at half her husband's salary. Yet another method is to evaluate homemaking by determining how much it would cost to replace the homemaker with paid workers. This is called the replacement method*."

34. However, it must be remembered that all the above methods are merely suggestions. There can be no exact calculation or formula that can magically ascertain the true value provided by an individual gratuitously for those that they are near and dear to. The attempt of the court in such matters should therefore be towards determining, in the best manner possible, the truest approximation of the value added by a homemaker for the purpose of granting monetary compensation.

35. Whichever method a court ultimately chooses to value the activities of a homemaker, would ultimately depend on the facts and circumstances of the case. The court needs to keep in mind its duty to award just compensation, neither assessing the same conservatively, nor so liberally as to make it a bounty to claimants [*National Insurance Co. Ltd.* v. *Pranay Sethi*; *Kajal* v. *Jagdish Chand*]."

27. Similarly, in ***Arvind Kumar Pandey & Ors. v. Girish Pandey and Anr.,***[9] the Hon"ble Supreme Court reiterated the principle that the work of homemakers is of an immense significance and cannot be undervalued, thereby requiring its recognition while assessing compensation. The relevant portion of the judgement are reproduced hereinbelow:-

> "**6.** Assuming that the deceased was not employed, it cannot be disputed that she was a homemaker. Her direct and indirect monthly income, in no circumstances, could be less than the wages admissible to a daily wager in the State of Uttarakhand under the Minimum Wages Act.
>
> **7.** It goes without saying that the role of a homemaker is as important as that of a family member whose income is tangible as a source of livelihood for the family. The activities performed by a homemaker, if counted one by one, there will hardly be any doubt that the contribution of a homemaker is of a high order and invaluable. In fact, it is difficult to assess such a contribution in monetary terms.
>
> **8.** Taking into consideration all the attending circumstances, it appears to us that the monthly income of the deceased, at the relevant time, could not be less than Rs 4000 p.m. or so. However, instead of calculating the compensation under different heads, and also keeping in mind the fact that the appellants and the respondents are closely related, and the delinquent vehicle was not insured, we deem it appropriate to allow this appeal in part to the extent that the appellants are granted a lump sum compensation of Rs 6,00,000 (Rupees six lakhs). Since the respondents have already paid the amount of Rs 2,50,000 to the appellants, the balance amount of Rs 3,50,000 shall be paid by them within six weeks, failing which they shall be liable to pay interest as awarded by the Tribunal."

28. One must not forget that, in a vast multitude of households in this Country, especially in those households where there is no assistance in terms of domestic help etc., the presence of a full-time homemaker permits the family to discount various other expenses that would have to be borne towards the maintenance

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of the home and family, permitting, in appropriate cases, the availability of a larger corpus by accretion on a regular basis as well as facilitating households to generate a certain amount of disposable income deployable on a gainful basis, including in the purchase of a residential property.

29. We believe that the time has come that such contributions be taken to their meaningful conclusion as these contributions remain hidden and downplayed. However, we take note of the fact that currently, there exists no statutory basis accounting for the recognition of such contributions of homemakers for the purpose of making any determination on the ownership rights or even to quantify the value of these contributions. Perhaps, in time, the legislature may take measures to ensure that a homemaker‟s contributions are reflected meaningfully and extend the same for a determination of their rights in respect of claims for ownership on the basis of these contributions.

Till then, however, this Court cannot accede to the Appellant‟s prayer for an adjudication, on the ownership rights in respect of immoveable property, purely on the strength of the contributions by a Homemaker in taking care of the household and the family and children.

CONCLUSION:

30. In light of the foregoing discussion and upon a holistic appreciation of the pleadings, documents, and the applicable law, this Court is of the considered view that the learned Family Court has rightly rejected, *vide* the Impugned Order dated 16.07.2025, the Civil Suit No. 12/2025 instituted by the Appellant. We find

ourselves in full agreement with the reasoning adopted by the learned Family Court in the Impugned Order, and therefore, it does not warrant any interference in appellate jurisdiction.

31. Accordingly, the present Appeal, along with all pending application(s), if any, stands disposed of in the aforesaid terms.

32. No order as to costs.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

SEPTEMBER 11, 2025/sm/va/kr