



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 8249 OF 2026 (GM-RES)

BETWEEN:

SMT. SRIDEVI R.,
W/O CHANDRASHEKAR A.C.,
AGED ABOUT: 45 YEARS,
R/AT NO. 17/C (NEW NO. 31),
17TH MAIN, MUNESHWARA BLOCK,
BSK, III STAGE, BENGALURU- 560085.

... PETITIONER

(BY SRI KANISHK RAVINDRAN, ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION,
BENGALURU-560009.
2. SMT. ANASUYA C.,
W/O. CHANGAL RAYAN,
AGED ABOUT 73 YEARS,
R/AT C/O. RAJASHEKAR A.C
NO. 172, 1ST CROSS, 1ST BLOCK,
3RD PHASE, BSK III STAGE,
BENGALURU-560085.
3. SRI CHANGAL RAYAN,
S/O. ABBAIAH NAIDU,
AGED ABOUT 82 YEARS,
R/AT C/O RAJASHEKAR A.C
NO. 172, 1ST CROSS, 1ST BLOCK,
3RD PHASE, BSK III STAGE,
BENGALURU-560085.
4. SRI CHANRASHEKAR A.C,
S/O. CHANGAL ROYAN A.,



AGED ABOUT 52 YEARS,
RESIDING AT HOUSE NO. 172,
1ST CROSS, B.S.K. 3RD STAGE,
3RD PHASE, BENGALURU-560085.
(THE ADDRESS IS AS PER CRL.MISC 163/2025)

... RESPONDENTS

(BY SRI V.D.RAVIRAJ, ADVOCATE FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA IS FILED PRAYING TO ISSUE A WRIT/ORDER/DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT QUASHING THE IMPUGNED ORDER PASSED BY THE LEARNED ASSISTANT COMMISSIONER, BENGALURU SOUTH SUB-DIVISION, AT BENGALURU DATED 18.12.2025 IN CASE NO. MSC-CR-48/2025, UNDER THE PROVISIONS OF THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007, PRODUCED AS ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The petitioner is the daughter-in-law of respondent Nos. 2 and 3 and is presently residing in the residential property which forms the subject matter of the present proceedings. Respondents 2 and 3, claiming to be senior citizens, instituted proceedings under Sections 5 and 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short "the Senior Citizens Act") seeking eviction of the petitioner from the schedule property.



2. The petitioner contends that upon receipt of notice issued by the Tribunal, she appeared through counsel and filed detailed objections specifically questioning the maintainability of the proceedings. It was contended before the Tribunal that the provisions of the Senior Citizens Act do not contemplate initiation of eviction proceedings against a daughter-in-law and, therefore, the Assistant Commissioner acting as the Tribunal lacked jurisdiction to entertain the petition and direct eviction of the petitioner from the premises in question.

3. The petitioner further contends that the dispute between the parties arises out of long-standing matrimonial discord between the petitioner, her husband and respondent Nos. 2 and 3. According to the petitioner, respondent Nos. 2 and 3 had voluntarily left the petition premises as far back as in the year 2015 and had thereafter chosen to reside with their other son. It is her specific case that the allegations of harassment and ill-treatment attributed against her are wholly false,



exaggerated and motivated with an intention to forcibly dispossess her from the shared household.

4. The petitioner further submits that owing to serious matrimonial disputes, she had already initiated proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short "Domestic Violence Act") seeking protection orders and enforcement of her right of residence in the shared household. It is contended that the petition schedule property constitutes a "shared household" within the meaning of the provisions of the Domestic Violence Act, as she has been residing therein ever since her marriage along with her minor child.

5. It is further contended that after the impugned order came to be passed by the Tribunal, the petitioner was summoned by the Girinagar Police for implementation of the eviction order and, apprehending imminent dispossession from the shared household, she sought advancement of the proceedings pending under the Domestic Violence Act. The petitioner submits that while



considering her application under Section 19(1)(a) and (c) of the Domestic Violence Act, the competent Court, by ad-interim order dated 07.03.2026, protected the possession and residential rights of the petitioner in the shared household and restrained interference with her residence therein.

6. Assailing the impugned order, the petitioner's Counsel contends that the Tribunal has failed to consider the material circumstance that respondent Nos. 2 and 3 had voluntarily vacated the premises and shifted to reside with their other son several years prior to initiation of the proceedings. It is contended that the proceedings under the Senior Citizens Act have been instituted only as a counterblast to the matrimonial and domestic violence proceedings initiated by the petitioner.

7. The Counsel further contends that maintenance and neglect by children or relatives is a sine qua non for invocation of jurisdiction under the provisions of the Senior Citizens Act and in the absence of any foundational



pleadings or material establishing neglect or refusal to maintain the respondents, the proceedings themselves were not maintainable. It is also contended that the Tribunal failed to balance the competing rights of the petitioner as a daughter-in-law claiming protection under the Domestic Violence Act and erroneously proceeded on the premise that merely because the property is the self-acquired property of respondent No.2, the petitioner could be summarily evicted therefrom.

8. The petitioner's counsel additionally contends that the Assistant Commissioner, while exercising quasi-judicial powers under the Senior Citizens Act, was required to pass a reasoned and speaking order dealing with the rival contentions urged by the parties. According to the petitioner, the impugned order is cryptic in nature and does not disclose proper application of mind to the objections raised by her, particularly with regard to the pendency of proceedings under the Domestic Violence Act and the claim of shared household.



9. The Tribunal, however, while passing the impugned order, has concluded that the petition schedule property is the self-acquired property of respondent No. 2 and that the petitioner, being the daughter-in-law, does not acquire any independent right, title or interest over the property except with the permission of respondent Nos.2 and 3. The Tribunal has further observed that the petitioner is an earning member and that her conduct has caused disturbance and nuisance to respondent Nos.2 and 3 during their old age, thereby warranting her eviction from the premises.

10. Having heard the learned counsel for the respective parties, the following points arise for consideration:

"(i) Whether the proceedings initiated by respondent Nos.2 and 3 under the provisions of the Senior Citizens Act, seeking eviction of the petitioner-daughter-in-law, are maintainable and within the jurisdiction of the Tribunal, in the light of the law laid down by the Hon'ble Apex Court in



Rajeshwar Prasad Roy v. State of Bihar
2025 Supreme(Online)(SC) 2219 holding that the Tribunal constituted under the Senior Citizens Act is empowered to direct eviction, including against a daughter-in-law, for protection of senior citizens and their property rights?

(ii) Whether respondent Nos.2 and 3, being senior citizens and owners of the self-acquired petition schedule property, are entitled to seek restoration of vacant possession and peaceful enjoyment of their property under the provisions of the Senior Citizens Act, and whether such right would prevail over the limited right of residence claimed by the petitioner-daughter-in-law under the Domestic Violence Act, particularly when the senior citizens themselves have been compelled to reside away from their own residence?

iii. What order?"

Finding on point No.(i):

11. Before adverting to the rival contentions and answering the point formulated hereinabove, this Court deems it appropriate to examine the stand taken by



respondent Nos.2 and 3, more particularly respondent No.2–mother-in-law, as reflected in the written arguments and material placed before the Tribunal as well as before this Court.

12. It is not in dispute that the petition schedule property is the self-acquired and absolute property of respondent No.2–Anusuya, who is the mother-in-law of the petitioner herein. The records placed before this Court unmistakably demonstrate that the Bangalore Development Authority had allotted the petition schedule property in favour of respondent No.2 under a lease-cum-sale agreement dated 11.10.1985 and, thereafter, the absolute sale deed also came to be executed in her favour. The title deeds, revenue entries and all connected records continue to stand exclusively in the name of respondent No.2. Therefore, the title and ownership of respondent No.2 over the petition schedule property are neither clouded nor seriously disputed.



13. The records further disclose that respondent No.2 is aged about 73 years and her husband–respondent No.3 is aged about 82 years. Both are senior citizens within the meaning of the provisions of the Senior Citizens Act. The material placed on record would further indicate that owing to serious matrimonial discord between the petitioner and her husband–respondent No.4, the relationship between the petitioner and respondent Nos.2 and 3 became strained, ultimately compelling the aged parents to leave the residential house owned by respondent No.2 and reside with their other son.

14. Significantly, in the objections filed before the Tribunal, the petitioner has substantially admitted that respondent Nos.2 and 3 had moved out of the residential premises owing to strained relationship with respondent No.4 and the petitioner herein. Though the petitioner disputes the allegation that respondent Nos.2 and 3 were forcibly driven out of the house, the fact remains that the aged parents are no longer residing in their own house



and are presently dependent upon their second son for shelter and support.

15. The records would further reveal that criminal proceedings also came to be initiated against respondent Nos. 2 and 3 at the instance of the present petitioner. An FIR in Crime No.404/2023 came to be registered alleging offences relating to dowry harassment. The material on record further indicates that respondent Nos. 2 and 3 had already shifted from their own house and the criminal proceedings thereafter came to be initiated in the year 2023. Respondent Nos. 2 and 3 were consequently constrained to approach this Court by filing Criminal Petition No.9654/2023 under Section 482 of the Code of Criminal Procedure, 1908 wherein this Court has granted interim stay of further proceedings.

16. It is in the backdrop of these admitted and undisputed facts that the controversy involved in the present petition is required to be examined.



17. The principal defence set up by the petitioner before the Tribunal as well as before this Court is that since she is a daughter-in-law claiming right of residence in a "shared household" under the provisions of the Domestic Violence Act, the proceedings initiated under the Senior Citizens Act, seeking her eviction, are not maintainable. The said contention, in the considered opinion of this Court, cannot be accepted in the peculiar facts and circumstances of the present case.

18. The Senior Citizens Act, is a beneficial social welfare legislation enacted with the avowed object of ensuring protection, maintenance, dignity and peaceful living conditions to aged parents and senior citizens. The Statement of Objects and reasons of the enactment itself indicates that the legislation was introduced to provide a speedy and inexpensive remedy to senior citizens who are neglected, harassed or deprived of their basic necessities and security. The provisions of the Senior Citizens Act, therefore, are required to receive purposive and liberal



interpretation so as to effectuate the legislative intent underlying the enactment.

19. Section 23 of the Senior Citizens Act confers wide powers upon the Tribunal to protect the property and possessory rights of senior citizens. The said provision has consistently been interpreted by constitutional Courts to recognize the power of the Tribunal not merely to declare transfers void, but also to pass appropriate consequential orders including orders of eviction so as to secure peaceful possession and enjoyment of property by senior citizens. The legislative object underlying the enactment would stand defeated if aged parents, despite being owners of the property, are compelled to litigate endlessly while being deprived of possession and enjoyment of their own residential premises.

20. The Hon'ble Apex Court in ***Rajeshwar Prasad Roy v. State of Bihar(supra)*** has categorically held that the Tribunal constituted under the Senior Citizens Act



possesses jurisdiction even to direct eviction of a daughter-in-law where such eviction becomes necessary for protection of the rights and welfare of senior citizens. The Hon'ble Apex Court has clearly recognized that the remedy available under the Senior Citizens Act cannot be rendered illusory merely because the occupant happens to be a daughter-in-law claiming residence rights under the Domestic Violence Act.

21. This Court is also conscious of the protection available to an aggrieved woman under the provisions of the Domestic Violence Act. The Domestic Violence Act is equally a beneficial legislation intended to secure protection to women from domestic violence and to safeguard their right of residence in a shared household. However, the right conferred under the Domestic Violence Act is essentially a right of residence and protection against unlawful dispossession. Such right cannot, in every circumstance, mature into an indefeasible right to continue



in occupation of premises belonging exclusively to aged parents-in-law, particularly when the continued occupation itself results in deprivation of the senior citizens' right to peaceful enjoyment of their own property.

22. The doctrine underlying both enactments requires harmonious construction. While the Domestic Violence Act, seeks to protect women from destitution and arbitrary dispossession, the Senior Citizens Act seeks to ensure dignity, security and peaceful living to aged parents. Therefore, the competing rights under both enactments are required to be balanced on the facts of each case.

23. However, where the property exclusively belongs to senior citizens and the material on record demonstrates that the senior citizens themselves have been compelled to leave their own house and seek shelter elsewhere owing to hostile circumstances, the statutory protection available under the Senior Citizens Act must necessarily receive primacy.



24. This Court is therefore of the considered opinion that the Tribunal was fully justified in invoking the provisions of the Senior Citizens Act and directing the petitioner-daughter-in-law to vacate and hand over peaceful possession of the petition schedule property to respondent Nos. 2 and 3. Merely because proceedings under the Domestic Violence Act have been initiated and an interim order of protection has been granted therein, the same cannot eclipse or nullify the lawful exercise of jurisdiction by the Tribunal under the provisions of the Senior Citizens Act, particularly when the property admittedly belongs to the mother-in-law and the senior citizens themselves have been deprived of residence in their own house.

25. In view of the law laid down by the Hon'ble Apex Court in ***Rajeshwar Prasad Roy v. State of Bihar(supra)***, this Court is of the considered view that Tribunal has rightly exercised jurisdiction and therefore



impugned order does not suffer from any jurisdictional error, perversity or infirmity warranting interference under Articles 226 and 227 of the Constitution of India. Accordingly, point No.(i) is answered in the ***affirmative***.

Finding on point No.(ii):

26. In the present case, the title documents unequivocally establish that the petition schedule property is the self-acquired property of respondent No.3–mother-in-law. The petitioner does not claim any proprietary interest in the property. The records further reveal that respondents 2 and 3, despite being aged 73 and 82 years respectively, are unable to reside in their own residential premises and are presently dependent upon their second son. The fact that criminal proceedings also came to be initiated against them at the instance of the petitioner further reinforces the existence of serious discord between the parties.



27. Though the petitioner relies upon the interim protection granted under the Domestic Violence Act, such protection, in the facts of the present case, can only be construed as a limited right of residence and cannot override the substantive statutory protection available to senior citizens under the provisions of the Senior Citizens Act. If such a plea were to be accepted as an absolute proposition, the very purpose and object of the Senior Citizens Act would stand frustrated, and aged parents would be rendered remediless despite being owners of the property.

28. This Court would also take note of another significant factual aspect emerging from the records. The material placed before the Tribunal, including the objections filed by the petitioner herself, would indicate that the petitioner-daughter-in-law is an earning member and is gainfully employed. The said factual assertion made by respondent Nos. 2 and 3 has not been seriously disputed by the petitioner in her statement of objections.



This aspect assumes considerable relevance while balancing the competing equities between the parties under the provisions of the Senior Citizens Act and the Domestic Violence Act. The petitioner is not shown to be destitute, financially dependent or rendered shelterless in the absence of occupation of the petition schedule property. On the contrary, the records disclose that respondent Nos. 2 and 3 are senior citizens, aged about 73 and 82 years respectively, who have been compelled to reside away from their own house and seek refuge with their second son. Therefore, while the limited right of residence available to a daughter-in-law under the provisions of the Domestic Violence Act deserves due protection in an appropriate case, such protection cannot be expanded into an absolute or perpetual right to continue in occupation of the self-acquired property of aged parents-in-law, particularly when the continued occupation itself results in deprivation of the senior citizens' right to reside peacefully in their own property.



The financial independence of the petitioner, coupled with the undisputed ownership of respondent No.2 over the property and the advanced age and vulnerability of respondent Nos. 2 and 3, tilts the balance decisively in favour of protecting the rights and welfare of the senior citizens under the provisions of the Senior Citizens Act.

29. This Court cannot lose sight of the undisputed and unfortunate factual matrix emerging from the records, namely that respondents 2 and 3, who are aged about 73 and 82 years respectively and are admittedly senior citizens within the meaning of the Senior Citizens Act, are presently unable to reside in their own residential house despite respondent No.2 being the absolute owner thereof. The title documents placed on record unequivocally establish that the petition schedule property is the self-acquired property of respondent No.3 and that neither the petitioner nor her husband claims any proprietary, co-ownership or independent legal interest therein. Yet, the aged parents are compelled to reside with their second son



and depend upon his hospitality and support for shelter, while remaining deprived of possession, enjoyment and peaceful occupation of their own property. Such a situation strikes at the very heart of the legislative intent underlying the Senior Citizens Act, which is enacted not merely to secure maintenance but also to preserve the dignity, autonomy, security and independent living of senior citizens in the evening of their lives. The right of ownership cannot be reduced to a barren title devoid of possession and enjoyment, nor can senior citizens be relegated to a position where, despite owning a residential house, they are forced to seek refuge elsewhere.

30. While this Court is conscious of the protection available to an aggrieved woman under the Domestic Violence Act, the right of residence contemplated under the said enactment is essentially a protective and remedial right intended to safeguard a woman against destitution and unlawful dispossession and cannot be construed as conferring a superior or indefeasible right capable of



overriding the proprietary and possessory rights of senior citizens in respect of their self-acquired property. More particularly, in the present case, the concept of a shared household cannot be pressed into service in its absolute form, as the petition schedule property is neither a joint family property nor a property in which the husband of the petitioner has any legal interest; on the contrary, the property exclusively belongs to respondent No.3 and the petitioner's occupation thereof is only by virtue of her matrimonial relationship and permissive residence. Therefore, when the aged owners themselves seek restoration of possession on the ground that they have been effectively excluded from their own residence, the claim of shared household cannot operate as an absolute defence to defeat their statutory rights. The competing rights flowing under the two welfare legislations undoubtedly require harmonious balancing; however, such balancing cannot result in a situation where senior citizens are permanently displaced from their own residence and



compelled to remain dependent on others for accommodation while a daughter-in-law continues in exclusive occupation of the property. Any such interpretation would transform a limited right of residence into an unrestricted right of occupation and would render the protections guaranteed under the Senior Citizens Act wholly illusory.

31. This Court is therefore of the considered view that, in the peculiar facts of the present case, the right of respondent Nos. 2 and 3 to reside peacefully in, possess and enjoy their self-acquired property must prevail over the limited and qualified right of residence claimed by the petitioner under the Domestic Violence Act, and consequently, the order directing restoration of possession to the senior citizens warrants no interference. Accordingly point No.(ii) is answered in the ***Affirmative.***



Finding on point No.(iii):

32. In view of the foregoing discussion, this Court is of the considered opinion that the petitioner has failed to make out any ground warranting interference with the impugned order passed by the Tribunal in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India. The material on record unequivocally establishes that the petition schedule property is the self-acquired and absolute property of respondent No.2; that respondent Nos. 2 and 3 are senior citizens who have been deprived of the peaceful enjoyment and occupation of their own residence; and that the Tribunal has rightly exercised the powers conferred under the Senior Citizens Act, in directing restoration of possession of the property to the senior citizens. The claim of the petitioner founded on the provisions of the Domestic Violence Act, in the peculiar facts of the present case, cannot override the statutory rights of respondent Nos. 2 and 3 to reside in the petition property.



33. Hence, this Court proceeds to pass the following

ORDER

- (i) The writ petition is ***dismissed***.
- (ii) The impugned order dated 18.12.2025 passed by the Assistant Commissioner-cum-Maintenance Tribunal under the provisions of the Senior Citizens Act, does not suffer from any illegality, perversity or jurisdictional infirmity warranting interference under Articles 226 and 227 of the Constitution of India and is accordingly affirmed.
- (iii) Respondent Nos. 2 and 3, being senior citizens and entitled to peaceful possession and enjoyment of the petition schedule property, are at liberty to seek implementation of the impugned order in accordance with law.



- (iv) The petitioner shall vacate and hand over vacant and peaceful possession of the petition schedule property to respondent Nos.2 and 3 within a period of eight weeks from the date of receipt of a certified copy of this order.
- (v) In the event of failure on the part of the petitioner to voluntarily hand over possession within the aforesaid period, respondent Nos. 2 and 3 shall be entitled to seek enforcement of the order through the jurisdictional authorities, who shall render all necessary assistance for securing possession in accordance with law.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

ALB
CT:GSM
List No.: 19 Sl No.: 7