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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 589/2016 & CM APPLs. 2399-2400/2016

INDUSHREE CHAUHAN

..... Petitioner

Through

Mr. Ankit Jain with Mr. Sarvesh Rai,
Advocates

versus

TRIBUNAL (UNDER MAINTENANCE
AND WELFARE OF THE PARENTS AND
SENIOR CITIZENS ACT,2007)

(CENTRAL DISTRICT)DELHI AND ORS Respondents

Through

Mr. Peeyosh Kalra, ASC (Civil) with
Ms. Sona Bbbar, Advocate for R-1.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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22.01.2016

Present writ petition has been filed challenging order dated 16th December, 2015 passed by Maintenance Tribunal (Under Maintenance & Welfare of Parents & Senior Citizens Act, 2007) [for short 'Act, 2007'] whereby the Maintenance Tribunal directed petitioner's husband to provide a place of residence consisting of two rooms, bathrooms and kitchen at 195-A, Phase II, Panditwadi, Lane No.8, Vasant Vihar, Dehradun to the respondents No.2 and 3 within four weeks.

Learned counsel for petitioner states that the aforesaid property was bought by the petitioner partly from her own earnings and partly from loan from bank/financial institution and the same does not belong to her husband. He further contends that petitioner being a daughter-in-law is not a child under Section 2(a) of the Act, 2007, therefore, Act, 2007 has no applicability to her.

Since the petitioner was not a party to the proceedings before the Maintenance Tribunal and the plea that she is the sole and exclusive owner of the Vasant Vihar, Dehradun property, was never urged, this Court is not inclined to entertain such a contention. However, the petitioner is given liberty to raise the said pleas before the Maintenance Tribunal in accordance with law.

This Court has no doubt that if such an application is filed by the petitioner, it would be considered expeditiously by the Maintenance Tribunal. Rights and contentions of all parties are left open. This Court clarifies that it has not expressed any opinion on the petitioner's contentions.

With the aforesaid observations, present writ petition and applications are disposed of.

Order dasti under signature of Court Master.

MANMOHAN, J

JANUARY 22, 2016

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