

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**LPA-141-2022(O&M)  
Date of decision: 18.2.2022**

**Vrinda Sharma**

**..... Appellant**

**VERSUS**

**State of Haryana and others**

**..... Respondents**

**(PROCEEDINGS THROUGH VIDEO CONFERENCING)**

**CORAM:    HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE H.S.MADAAN**

**Present:    Ms.Shobhana Takiar, Advocate  
for the appellant.**

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**H.S. Madaan, J.**

**CM-348/LPA-2022**

For the reasons mentioned in the application, the same stands allowed, exemption as prayed for is granted and documents Annexure A1 to A6 are taken on record, subject to all just exceptions.

**LPA-141-2022(O&M)**

Appellant-petitioner Vrinda Sharma, feeling aggrieved by the order passed by learned Single Judge of this Court dismissing her Civil Writ Petition No.13360 of 2020 on 4.9.2020 vide which she had sought setting aside of order dated 24.6.2020 passed by District Magistrate, Gurugram directing her to vacate the second floor of House No.532, Sector 31-32-A, Gurugram (hereinafter referred to as the demised premises), has filed the instant LPA praying that the order passed by learned Single Judge be set aside and the writ petition so brought by her be accepted.

Briefly stated, facts of the case as can be gathered from the record, are that appellant got married with one Puneet Sharma in the year 2009 and started residing in the demised premises owned by parents of Puneet Sharma i.e. father – Sh.R.K. Sharma (respondent No.3) and mother – Smt.Vinay Sharma(respondent No.4); unfortunately a matrimonial dispute arose between the appellant Vrinda Sharma and her husband; parents of the latter disowned both of them and filed a complaint against the appellant-petitioner on 4.9.2019 at Police Station Sector 40, Gurugram; the appellant-petitioner filed a complaint against her parents-in-law i.e. respondents No.3 and 4 under Section 12 of Protection of Women from Domestic Violence Act, 2005 (hereafter referred to as D.V. Act) besides submitting a complaint against them with Women Cell, Gurugram on 14.11.2019; respondents No.3 and 4 then filed an application before District Magistrate, Gurugram under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short – the Act) against appellant and her husband seeking their eviction from the second floor of the house contending that their status was that of the licensees, who had been permitted by respondents No.3 and 4, owners of the house to reside therein, however, on account of their conduct, their licence stood revoked, therefore, vacant possession of the demised premises be got delivered to respondents No.3 and 4 after evicting appellant and her husband therefrom. According to the appellant-petitioner, the application in question was filed by her parents-in-law in connivance with her husband with a *mala fide* intention just to evict her from the matrimonial house, which was a shared household of appellant-petitioner and where the appellant-petitioner had a right of residence in terms of Section 17(1) of DV Act. However, ignoring the factual and legal position,

District Magistrate, Gurugram accepted the application under Section 22 of the Act and ordered eviction of appellant from the house in question. Labelling that order passed to be illegal, null and void and not sustainable in the eyes of law, the appellant Vrinda Sharma had filed the Civil Writ Petition No.13360 of 2020. That writ petition was contested by respondents No.3 and 4 contending that husband of the petitioner was not residing with respondents No.3 and 4 and he had taken on rent House No.551/21, Chakarpur, Gurugram and in any case status of the petitioner being that of licensee, she has no right to reside in the demised premises as she has been submitting complaints against respondents No.3 and 4 repeatedly causing them mental and physical cruelty. The order passed by District Magistrate, Gurugram on an application under Section 22 of the Act filed by them was defended as legal and valid and a prayer for dismissal of the civil writ petition was made.

Learned Single Judge after hearing the arguments advanced by the counsel for the parties and perusing the record has observed that the eviction order had been passed by District Magistrate, Gurugram at behest of respondents No.3 and 4, who happen to be senior citizens and before such Authority, the petitioner had not challenged her parents-in-law i.e. respondents No.3 and 4 being owners of the house and further before passing the order under challenge, District Magistrate, Gurugram had got verified the title from Sub Divisional Magistrate, Gurugram, which revealed that respondents No.3 and 4 were owners of the house in question on the basis of sale deed dated 18.9.2001 and petitioner had not adduced any evidence to the contrary. Learned Single Judge had further noticed that petitioner in the petition under DV Act had sought the similar relief with

regard to her alleged right of residence on the demised premises, which had however been declined by the trial Court of learned Judicial Magistrate Ist Class, Gurugram vide order dated 7.3.2020. The relevant part of that order had been reproduced in the impugned judgment. That order was not challenged by the petitioner by way of filing appeal, revision etc., therefore, the same has become final and binding upon her. In that way, now she cannot wriggle out of the order by way of filing writ petition. Even otherwise, her possession of the second floor of the house was at best in the capacity of licensee and her licence having been revoked by her parents-in-law, the owners of the house, she has no right to continue in possession. Learned Single Judge has also considered the submission made on behalf of the petitioner that if evicted from the demised premises, she has no other place to go and came to the conclusion that such contention was not factually correct. Keeping in view the totality of all these circumstances, learned Single Judge had dismissed the writ petition.

We have heard Ms.Shobhana Takiar, counsel for the appellant besides going through the record.

Learned counsel representing the appellant-petitioner has argued on the similar lines as per pleas taken in the writ petition and grounds of appeal, which as we find have already been noticed and taken into consideration by learned Single Judge. The fact cannot be lost sight of that there has been considerable delay in filing of the present appeal inasmuch as the impugned order passed by learned Single Judge is dated 4.9.2020, whereas the memo grounds of appeal is dated 25.1.2022 and it has been put up before this Bench today i.e. after about a period of 1 ½ years of

the order passed by Single Judge. It has not been explained as to why so much time was consumed in filing the appeal.

As far as the submission made by learned counsel for the appellant that appellant has no other place to go and judgments relied upon by her, it cannot be lost sight of that learned Single Judge on the basis of submissions made by learned counsel for the parties has not found any merit in the contention.

With regard to the judgments referred by learned counsel for the appellant first being **Satish Chander Ahuja Versus Sneha Ahuja, (2021) 1 Supreme Court Cases 414**, where the aspect of shared household under Protection of Women from Domestic Violence Act, 2005 was discussed in detail. This judgment does not come to help the appellant for the reason that her such claim was rejected by the trial Court of Judicial Magistrate Ist Class, Gurugram and she had not challenged that order further, therefore the order has become final and binding upon her. Rather the status of the appellant has been found to be that of licensee under her parents-in-law and after revocation of her licence by the latter, the former has no right to remain in possession of second floor of the house in question.

Coming to the next judgment **S.Vanitha Versus Deputy Commissioner, Bengaluru, Urban District and others, 2020 SCC OnLine SC 1023**, which dealt with harmonisation exercise between Protection of Women from Domestic Violence Act and Senior Citizens Act, 2007 observing that an overlapping area in both the legislations is residential premises where they stay and normally the latter legislation of 2007 should prevail but a middle course be tried to be found out inasmuch as senior

citizens are entitled to protect their property rights and to be secure in their old age, however, the woman cannot be divested of the protection to stay in the shared household in the process made shelterless. It was observed that the Tribunals constituted for senior citizens cannot pass a blanket eviction order in senior citizens favour ignoring the protection, which the women are entitled by way of residence order in shared household. Again this judgment does not help the appellant-petitioner in any manner for various reasons. Firstly the house in question has been found to be in the ownership of respondents No.3 and 4 and status of their daughter-in-law appellant to be that of licensee. It has not been found to be a shared household and no residence order in favour of the appellant has been passed in proceedings under DV Act by the trial Court of Judicial Magistrate Ist Class, Gurugram. That order having not been challenged by the appellant in appeal, revision etc., has become final binding upon her. She cannot claim that she has got a right to stay in the house in question as shared household.

The impugned order passed by learned Single Judge does not suffer from any illegality or infirmity, calling for interference by way of acceptance of the present appeal.

Under the circumstances, the appeal is found to be without any merit and is dismissed accordingly.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**(H.S.MADAAN)**  
**JUDGE**

**18.2.2022**  
**Brij**

**Whether speaking/reasoned : Yes/No**

**Whether reportable : Yes/No**