

**CWP-492-2022 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****214****CWP-492-2022 (O&M)
Date of Decision :01.05.2025****Charanjit Kaur****...Petitioner****Versus****District Magistrate & Chairman of Appellate
Tribunal, Yamuna Nagar and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present:** Mr. Omkar Chauhan, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

None for respondent No.3.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 25.11.2021 (Annexure P/2) passed by Appellate Tribunal by which, order dated 30.08.2019 (Annexure P/1) passed by respondent No.2 has been set aside directing the eviction of the petitioner from the premises in question under the Maintenance and Welfare of Senior Citizen Act, 2007 (hereinafter referred to as '2007 Act') on the petition filed by the respondent No.3-senior citizen, who is a mother-in-law of the petitioner.

2. Learned counsel for the petitioner submits that the authorities exercising jurisdiction under the 2007 has passed an impugned order dated 25.11.2021 (Annexure P/2) without even appreciating the fact whether the daughter-in-law is covered under the 2007 Act or not.

3. The prayer of the petitioner-daughter-in-law is that the



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impugned order dated 25.11.2021 (Annexure P/2) cancelling the transfer deed No.1159 dated 02.08.2016 & the transfer deed No.1530 dated 28.9.2016 are liable to be set aside simply on the ground that no proceedings can be initiated by the respondent No.3-senior citizen against the petitioner-daughter-in-law.

4. Learned counsel for the petitioner-daughter-in-law further submits that the transfer of the land by respondent No.3-senior citizen was in favour of the husband of the petitioner, who unfortunately died after which, the said property devolved upon the petitioner-wife and her children and after the death of the husband of the petitioner i.e. son of respondent No.3-senior citizen, a method was adopted by the respondent No.3-senior citizen to get back transferred property from the petitioner-daughter-in-law by way of filing a petition under the 2007 Act and the Appellate Authority envisaged under the 2007 Act without appreciating the provisions of the 2007 Act have passed the impugned order dated 25.11.2021 (Annexure P/2) cancelling the said transfer deed, which order is liable to be set aside.

5. Despite service, respondent No.3-senior citizen did not appear. Present petition was filed three years ago and nobody has been appearing on behalf of the respondent No.3-senior citizen since then.

6. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

7. The definition of the children which has been given under the 2007 Act does not envisage daughter-in-law. The 2007 Act has been framed with a clear intent that the daughter-in-law is not to be brought into picture for getting the relief under the 2007 Act.

8. In the present case, the proceedings which were initiated under

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the 2007 Act by the respondent No.3-senior citizen was after the death of her son, who before his death had already transferred the property vide transfer deed No.1530 dated 28.09.2016 in favour of the petitioner-daughter-in-law. That being so, the Appellate authority exercising jurisdiction under the 2007 Act should have ensured whether, the daughter-in-law could be brought under the purview of 2007 Act so as to claim the land in question back on the ground that petitioner-daughter-in-law was not maintaining the respondent No.3-senior citizen. The authorities concerned have not appreciated the said aspect at all.

9. Once, against the daughter-in-law, no relief can be claimed by the senior citizen under 2007 Act, the petition filed by the respondent No.3-senior citizen against the daughter-in-law to get the land in question back which she had actually transferred in favour of her son vide transfer deed No.1159 dated 02.08.2016, who had already died, the order passed by the authorities concerned exercising jurisdiction under the 2007 Act which has been impugned in the present petition dated 25.11.2021 (Annexure P/2) cannot be sustained in the eyes of law and the same is accordingly set aside.

10. Present petition is allowed in above terms.

May 01, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No