



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

204

**CWP-16736-2019 (O&M)
Decided on :24.07.2025**

RACHNA

. .Petitioner

Versus

THE PRESIDING OFFICER/ SUB-DIVISIONAL MAGISTRATE AND
OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Dinesh Ghai, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Deepam Raghav, Advocate for respondent No. 2.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance being raised the petitioner who is the daughter-in-law is that vide impugned order dated 09.05.2019 (Annexure P-5) passed by the authorities concerned the petitioner-daughter-in-law has been thrown out from her matrimonial house by her mother-in-law-respondent No. 2, on the ground that respondent No. 2-mother-in-law of the petitioner is need of the said accommodation, which is causing prejudice to the petitioner-daughter-in-law.

2. Learned counsel for the petitioner submits that respondent No. 2-mother-in-law is living in America alongwith her daughter and has no intention to come back to India rather the accommodation ie.. House No.

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3950, Sector 23, Urban Estate, Gurugram is being got vacated from the petitioner-daughter-in-law, so that the said house can be sold out and the proceeds could be taken to the America where respondent No. 2-mother-in-law is residing.

3. Learned counsel for the petitioner further submits that without appreciating the said fact that the respondent No. 2-senior citizen did not need the house in question for her personal use, the authorities concerned exercising jurisdiction under the Maintenance & Welfare of Parents & Senior Citizen Act, 2007 (for short 2007 Act) has directed the petitioner to vacate the aforesaid house only on the ground that the senior citizen is the owner of the said house.

4. Learned counsel for the respondents does not dispute that respondent No. 2 is residing in America and she is an American Immigrant.

5. Learned counsel for the respondent No. 2 submits that as and when she intends to come back India, respondent No. 2-mother-in-law, needs the aforesaid accommodation and therefore, the orders passed by the authorities concerned directing the petitioner to vacate her matrimonial house is perfectly valid and legal.

6. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

7. Keeping in view the facts mentioned herein before that the respondent No. 2 -senior citizen is living in America being an American Immigrant and she last visited India about 7 years ago, further the purpose of getting the house in question from petitioner-daughter-in-law is not appreciated/adjudicated by the authorities concerned that as to whether the same is needed for the personal use of respondent No.2- senior citizen or not.

8. The house can only be got vacated from the daughter-in-law in

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case, the senior citizens has no other premises to live and is destitute whereas, in the present case, the senior citizen is living in America being an American immigrant and she had last visited India around 7 years ago, hence, there is no personal necessity of the accommodation in question, which is being sought by the senior citizen to be vacated by her own son and daughter-in-law.

9. The Purpose for which the 2007 Act was enacted that senior citizen should live their life in a dignified manner and in case, the senior citizen is already living his/her life in a dignified manner without the accommodation sought, the same has to be kept in mind by the authorities concerned while passing an order directing the children of the senior citizen to vacate the accommodation in question.

10. It may be noticed that the real intention /purpose for which the accommodation is being sought by the senior citizen, is to be identified by the authorities and then adjudication has to be done, whereas, in the present petition, only on the ground that the senior citizen is the owner, the petitioner-daughter-in-law has been directed to vacate the premises in question despite the fact that the senior citizen is living in America and visited India about seven years ago.

11. Further, the petitioner agrees that as and when her mother-in-law will visit India she will be taken care by her as is being required by a daughter-in-law and no harassment will be caused to her mother-in-law while her stay in India.

12. Keeping in view the totality of circumstances, the impugned order dated 09.05.2019 (Annexure P-5) directing the petitioner-daughter-in-law to vacate the accommodation in question is set-aside being perverse to the intention for which the 2007 Act is enacted.



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13. The present petition is allowed in above terms.
14. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

24.07.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No