



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

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**CM-2552-LPA-2023in/and
LPA-999-2023 (O&M)
Date of Decision: 03.09.2025**

Jai Bhagwan and another

....Appellants

Versus

Neeru and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sanjay Verma, Advocate
for appellant No.1.

Mr. Narender Kumar Vashist, Advocate
for respondent No.1.

None for respondent No.2.

Service of respondents No.3 to 5 already dispensed with.

Harsimran Singh Sethi, J. (Oral)

CM-2552-LPA-2023

This is an application under Section 5 of the Limitation Act for
condonation of delay of 16 days in filing the appeal.

Keeping in view facts mentioned in the application, the same is
allowed and the delay of 16 days in filing the appeal is condoned.

LPA-999-2023 (O&M)

1. Mr. Sanjay Verma, Advocate has filed fresh vakalatnama on
behalf of appellant No.1, which is taken on record.



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2. In the present appeal, the challenge is to the order dated 25.04.2023 passed in CWP-27826-2019 by the learned Single Judge by which, the writ petition filed by the respondent, has been allowed while setting aside the order dated 21.08.2019 (Annexure P-2) passed by the District Magistrate, Gurugram.

3. Learned counsel for the appellants argues that the senior citizen appellant is the owner of the house in question and therefore, he has a full right to claim the possession of the house in question and the son and daughter-in-law, who are living on the first floor of the house in question are creating problem for the senior citizens needs to be evicted so that the senior citizen live dignified life at this stage of their life hence, the respondents are liable to be evicted from the house in question. Learned counsel for the appellants further submits that the impugned order dated 25.04.2023 passed by the learned Single Judge has been passed without appreciating the facts on record and the same may kindly be set aside so as to allow the claim of the appellants that the respondent No.1 as well as her husband, are ordered to be evicted from the premises in question.

4. Learned counsel appearing on behalf of respondent No.1 (daughter-in-law) submits that the husband of respondent No.1 namely Rakesh and appellant No.1 – Jai Bhagwan have connived with each other in order to throw the daughter-in-law out of the premises in question. Learned counsel for respondent No.1 further submits that respondent No.1 has already initiated the proceedings under the Protection of Women from Domestic Violence Act, 2005 (hereinafter for short to be referred as “the D.V.Act”), and has got an interim order dated 13.08.2019 in her favour to remain in the possession of the



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premises in question and therefore, the impugned order passed by the learned Single Judge is perfectly valid and legal and the appeal may kindly be dismissed.

5. We have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the respondent No.1 has already got an interim order from the competent Court of law under the D.V. Act in her favour so as to retain the accommodation in question, no relief can be given to the appellants herein seeking the eviction of the daughter-in-law from the shared household under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter for short to be referred as “the 2007 Act”).

7. Further, as per the settled principle of law settled by the Hon’ble Supreme Court of India in **Civil Appeal No.3822 of 2020** titled ***Smt. S. Vanitha vs. The Deputy Commissioner, Bengaluru Urban District and others***, decided on 15.12.2020, it should be the endeavour of Courts to balance the provisions of the 2007 Act, as well as the D.V. Act and it has been held that where there is already an interim order in favour of the daughter-in-law allowing her to continue to occupy the premises in question, the same has to be given due weightage while considering the claim of the senior citizen.

8. In the present case, once an order has already been passed by the competent Court of law in favour of respondent No.1 under the D.V. Act, allowing her to continue to occupy the premises in question, the order passed by the learned Single Judge allowing her to continue in the premises in question cannot be treated against the fact or against the settled principle of law. Rather, the order passed by the learned Single Judge is in conformity



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with the order passed by the Hon’ble Supreme Court of India in **Smt. S. Vanitha’s case (supra)**.

- 9. No other argument has been raised.
- 10. Keeping in view of the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.
- 11 Accordingly, the appeal is dismissed.
- 12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 03, 2025
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No