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

(204)

CWP-18853-2019

Date of Decision : July 21, 2025

Des Raj

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suneet Kumar, Advocate, for the petitioner.

Mr. Rahul Rampal, Addl. Advocate General, Punjab.

None for respondent No.3.

Mr. Parampreet Singh Paul, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 02.04.2019 (Annexure P-5) by which, the petition filed by the senior citizen seeking the eviction of his son-respondent No.3 and respondent No.4-daughter-in-law from the premises in question, has been rejected.

2. Learned counsel for the petitioner argues that the petitioner, who is the owner of property in question, has an absolute right to seek eviction of his son and daughter-in-law even if, there is no proof of any harassment at the hands of the children hence, the order passed by the authorities envisaged under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as '2007 Act') that as there is no concrete evidence showing that the petitioner was being harassed by



his son or daughter-in-law and there is no complaint ever by the petitioner against the daughter-in-law prior to the filing of the petition and they cannot be evicted, is not correct appreciation of the facts and therefore, respondents No. 3 and 4 are liable to be evicted.

3. No one appears on behalf of respondent No.3-son.

4. Learned counsel appearing on behalf of respondent No.4-daughter-in-law submits that there is a matrimonial dispute persisting between respondents No. 3 and 4 and the motive behind filing of the application under 2007 Act is not to evict the son out of property in question but rather the motive is to evict the daughter-in-law, out of the premises in question. Hence, the respondent No.4 be saved from being thrown out of the premises in question on the asking of the petitioner-senior citizen as the present petition is motivated one and not genuine.

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

6. Learned counsel for the petitioner has not been able to dispute that there is a matrimonial dispute persisting between the son and the daughter-in-law.

7. Learned counsel for the petitioner has also not been able to dispute the fact that the finding recorded by the Tribunal that no complaint has ever been made by the petitioner against the daughter-in-law or the son alleging harassment therein, prior to filing of application for eviction before the authorities concerned.

8. Today also, learned counsel for the petitioner, during hearing, has also not been able to point out as to how, the petitioner is being harassed

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at the hands of the daughter-in-law.

9. The benefit of the eviction under 2007 Act is to be awarded in favour of the petitioner-senior citizen where the senior citizen is being harassed but the said act made for welfare of the senior citizen, cannot be used as a motivated tool to throw out the daughter-in-law especially when son of the senior citizen is facing a matrimonial dispute with his wife i.e. daughter-in-law.

10. In the present case, it appears that the present petition is filed only to throw the daughter-in-law out of the house in question due to the matrimonial dispute persisting between petitioner-senior citizen's son and daughter-in-law, which cannot be done under 2007 Act as the Court has also the responsibility to ensure that the daughter-in-laws who enter matrimonial house after their marriage, have a right to occupy the matrimonial house so as to safeguard their interest.

11. Learned counsel for the petitioner has not been able to prove that the findings of the Tribunal are perverse either to facts or evidence which have come on record so as to seek any interference at the hands of this Court.

12. Accordingly, the writ petition is dismissed.

July 21, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No