



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

210

Decided on : 15.12.2025

1. LPA-701-2018 (O&M)

BABU LAL SHARMA

...Appellant

Versus

SUSHILA DEVI AND ORS

. . . Respondents

2. LPA-267-2019 (O&M)

MADHU BALA

...Appellant

Versus

*DISTRICT MAGISTRATE-CUM-DEPUTY COMMISSIONER, YAMUNA
NAGAR AND ORS*

. . . Respondents

3. CWP-33528-2019 (O&M)

HARJINDER KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ORS

. . . Respondents

4. CWP-36830-2019 (O&M)

JYOTI

... Petitioner

Versus

STATE OF HARYANA AND ORS

. . . Respondents

5. LPA-1709-2018 (O&M)

ASHWANI KUMAR AND ANR.

... Appellants

Versus

THE ADDL. DISTT MAGISTRATE PATIALA AND ORS. . . . Respondents

. . . Respondents

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

**PRESENT: Mr. H. S. Saini, Advocate
for the appellant**



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in LPA-267-2019.

Mr. Sandeep Chabra, Addl. Advocate General, Haryana.

Mr. TPS Chawla, Sr. DAG, Punjab.

Mr. G. S. Verma, Advocate for respondent No. 5.

Mr. Chanderhas Yadav, Advocate for the petitioner
in CWP-36830-2019.

HARSIMRAN SINGH SETHI , J. (Oral)

1. The issue involved in the present bunch of cases which includes the appeals as well as the writ petitions (details of which have been mentioned herein-above), have been filed by the senior citizen as well as by the daughter-in-law as the case may be, is whether the senior citizens can seek eviction of the daughter-in-law from the premises in question under the Maintenance & Welfare of Parents & Senior Citizen Act, 2007 (herein after referred to as '2007 Act'). The said issue needs to be decided on the basis of the provisions of the 2007 Act that as to whether the senior citizen can take action against the daughter-in-law independently for her eviction.

2. The 2007 Act gives power to the senior citizen to claim the benefit of eviction envisaged under 2007 Act against their *children* and also against their *relatives*.

The definition of the "***children***" as well as the "***relative***" under 2007 Act is provided under Section 2 (a) and 2 (g) respectively, which is as under:-

*"**children**" includes son, daughter, grandson and grand-daughter but does not include a minor.*



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"relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death "

3. A bare perusal of the above would show that in the definition of the children, the daughter-in-law has not been included; even, the definition of the relatives provides for the persons who will inherit the property of the senior citizens after their death.

4. Though, as per the settled principle of law, the seeking of eviction from the property belonging to the senior citizens is envisaged under 2007 Act but the same can only be claimed against the children or the relatives and the same cannot be enforced outside the purview of the said definitions including the strangers.

5. Further, 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 ors.", decided on 15.12.2020,** has described the rights of a daughter-in-law to reside in the matrimonial house and the courts have been directed to balance the rights of the senior citizens with daughter-in-law. Once, under the Protection of Women from Domestic Violence Act, 2005 (herein after referred to as 'PWDV Act, 2005'), a right has been given to the daughter-in-law to continue to occupy the matrimonial house, probably, keeping in view the provisions of the PWDV Act, 2005, while enacting 2007 Act, the daughter-in-law has not been included in the definition of children so as to seek remedy against her under 2007 Act. The revelant paragraph of the judgment passed in **S. Vanitha 's case (Surpa)** is as under:-

"The above extract indicates that a significant object of the



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legislation is to provide for and recognize the rights of women to secure housing and to recognize the right of a woman to reside in a matrimonial home or a shared household, whether or not she has any title or right in the shared household. Allowing the Senior Citizens Act 2007 to have an overriding force and effect in all situations, irrespective of competing entitlements of a woman to a right in a shared household within the meaning of the PWDV Act 2005, would defeat the object and purpose which the Parliament sought to achieve in enacting the latter legislation. The law protecting the interest of senior citizens is intended to ensure that they are not left destitute, or at the mercy of their PART E 30 children or relatives. Equally, the purpose of the PWDV Act 2005 cannot be ignored by a sleight of statutory interpretation. Both sets of legislations have to be harmoniously construed. Hence the right of a woman to secure a residence order in respect of a shared household cannot be defeated by the simple expedient of securing an order of eviction by adopting the summary procedure under the Senior Citizens Act 2007.”

6. Not only this, the senior citizens cannot seek eviction against a stranger under 2007 Act who is occupying their premises, as remedy to seek such eviction is by filing of a civil suit or under the Rent act as the case may be. Further, even qua the daughter-in-law, the remedy of eviction is not available under 2007 Act, the same will only be a civil Suit for eviction.

7. Keeping in view the said settled principle of law noticed herein above, the cases which have been placed before this Court in the present bunch are being decided.



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8. **With regard to the LPA-701-2018, which** has been filed by the senior citizens against the order of dismissal of the writ petition passed by the learned Single Judge, as the same was filed against the strangers.

9. The strangers is not covered by the 2007 Act, in any circumstances as no provisions which gives jurisdiction to the senior citizens to seek eviction under 2007 Act has been brought to the notice of this Court. Further, learned Single Judge has appreciated the said fact in accordance with the provisions of the 2007 Act and the learned counsel for the appellants has not been able to show as to how the findings recorded by the learned Single Judge, that the strangers cannot be brought within the purview of the 2007 Act so as to seek his eviction, is covered by 2007 Act.

10. Hence, once under provisions of the 2007 Act any right has been shown by the learned counsel for the appellants that the senior citizens can seek eviction of a stranger coupled with the fact that the findings recorded by the learned Single Judge have not been proved to be perverse either on the facts or the law, the judgment of the learned Single Judge needs no interference, hence, the said **LPA-701-2018** is accordingly dismissed.

11. With regard to the LPA No. 267 of 2019 as well as CWP No. 36830 of 2019 which has been filed by the daughter-in-law wherein, the eviction has been ordered, it may be noticed that the said orders have been passed without appreciating the provisions of 2007 Act especially the definition of “children” which does not include daughter-in-law as already discussed in the preceding paragraph No. 3 of this Order.

12. Learned counsel for the senior citizens has not been able to show as to what provisions entitles them to seek eviction of their daughter-in-law from the premises owned by them under 2007 Act.



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13. Even the orders passed by the authorities exercising jurisdiction under 2007 Act, as well as the learned single Judge, in LPA No. 267 of 2019 as well as CWP No. 36830 of 2019 are not in conformity with the provisions of the 2007 Act to hold that the daughter-in-law is also amenable to the eviction under 2007 Act on a plea raised by a senior citizen.

14. **That being so, the LPA No. 267 of 2019 as well as CWP No. 36830 of 2019 are allowed.** The orders passed by the authorities as well as the learned Single Judge, being perverse to the provisions of the 2007 Act are set-aside. Liberty is given to the senior citizens to avail appropriate remedy by filing civil suit in case, the eviction of daughter-in-law is still sought by the senior citizens.

15. **With regard to the CWP No. 33528 of 2019 and LPA-1709 of 2018** where senior citizens have not been granted the benefit of eviction qua the daughter-in-law by the authorities exercising jurisdiction under 2007 Act as well as learned Single Judge, they have approached this Court by availing remedy of appeal and writ petition, keeping in view the detailed discussion, findings already recorded in the preceding paragraphs that the said remedy of eviction against the daughter -in-law is not available under the 2007 Act, the orders passed by the authorities concerned as well as by the learned Single Judge, denying the said relief to the senior citizens under the 2007 Act needs no interference at the hands of this Court and the order passed by the authorities and learned Single Judge denying the benefit to senior citizens qua the eviction of the daughter in law from the premises owned by them are upheld and **CWP No. 33528 of 2019 and LPA-1709 of 2018** are accordingly dismissed.

16. However, the senior citizens will be at liberty to seek remedy



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available to them under law by filing a civil suit, in case they still intent to evict the daughter-in-law from the premises in question.

17. The present bunch of the petitions as well as appeals are disposed of in the afore-stated terms.

18. Pending civil miscellaneous application(s), if any, stand disposed of.

19. A photocopy of this order be placed on the file of other connected case(s).

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

15.12.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No