

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104+215

CM-550-LPA-2025 in/&
LPA-49-2019 (O&M)
Date of Decision :19.01.2026

Sunita Sharma

...Appellant

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Munish Gupta, Advocate for the appellant.

Mr. Sandeep Chabbra, Addl. A.G. Haryana.

Mr. Munish Mittal, Advocate for respondent No.3.

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Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the order dated 20.12.2018 passed by the learned Single Judge of this Court in CWP-20655-2018, whereby the challenge to the order dated 20.06.2018 passed by the District Magistrate, Yamuna Nagar, directing the appellant herein to vacate the premises in question keeping in view the application filed by senior citizen (respondent No.3) herein under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred to as '2007 Act') has been turned down.

2. Learned counsel for the appellant submits that the real intention behind filing of the application by the senior citizen (respondent No.3) is that as there exists a matrimonial dispute between the appellant and respondent No.4 (husband of appellant) and in order to evict the appellant-daughter-in-law from the premises in question, the provisions of the 2007 Act has been invoked.

It is contended by the learned counsel for the appellant that this fact has not only been ignored by the authority exercising jurisdiction under the 2007 Act but also by the learned Single Judge of this Court.

3. Learned counsel for the appellant further argues that the Hon'ble Supreme Court of India in **Civil Appeal No.3822-2020 titled as S. Vanitha vs. The Deputy Commissioner Bengaluru Urban District and others decided on 15.12.2020** has held that where a daughter-in-law has already availed the remedy under the Domestic Violence Act and she has a right to reside in the matrimonial home, the same is required to be considered by the authority concerned before passing the order under 2007 Act. However, the same has been ignored both by the authority concerned as well as by the learned Single Judge of this Court.

4. Learned counsel for the respondent No.3 (senior citizen) on the other hand submits that though, it is being projected that there is a matrimonial dispute between the appellant and her husband (respondent No.4) but, in fact no such dispute exists. It is argued that respondent No.3, being a senior citizen, has a right to occupy the premises in question and therefore, the order passed by the authority exercising jurisdiction under 2007 Act as well as impugned order passed by the learned Single Judge of this Court are perfectly valid and legal, and the present appeal is liable to be dismissed.

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

6. The present appeal has been filed by the appellant-daughter-in-law praying that she should be allowed to retain the accommodation in her matrimonial home. Though the proceedings initiated by the senior citizen-respondent No.3 were against the daughter-in-law (appellant) and her son (respondent No.4), it is a matter of fact that the son has never assailed the order

passed by the authorities directing his eviction, which clearly shows that the senior citizen (respondent No.3) infact, is seeking eviction of the daughter-in-law (appellant) from the premises in question.

7. Further, as per the information before this Court, the property in question consists of three floors wherein, ground floor and 2nd floor are in the possession of the senior citizen (respondent No.3) whereas, the first floor is in the possession of the daughter-in-law (appellant). That being so, once there is a sufficient accommodation is available with the senior citizen coupled with the fact that the daughter-in-law has right to retain the accommodation which she is occupying by her matrimonial home and that the proceedings under the Domestic Violence Act have also been initiated by the appellant, the authority exercising the jurisdiction under 2007 Act as well as learned Single Judge of this Court ought to have examined whether, the prayer made by the senior citizen (respondent No.3) was bonafide or was intended to seek eviction of the daughter-in-law from the premises in question keeping in view the matrimonial dispute.

8. Keeping in view the totality of the facts and circumstances of the present case, particularly that the senior citizen already has sufficient accommodation and the daughter-in-law (appellant) is residing on the first floor and nothing has been brought on record to show that the daughter-in-law (appellant) has ever created any hurdle in the peaceful living of the senior citizen, the orders passed by the authorities concerned are perverse to the facts as well as to the settled principle of law laid down in S. Vanitha (supra). Consequently, the order dated 20.06.2018 passed by the District Magistrate, Yamuna Nagar, as well as order dated 20.12.2018 passed by the learned Single Judge of this Court, are set aside.

9. Learned counsel for the appellant has stated that the daughter-in-

law (appellant) will live as an obedient daughter-in-law in the house concerned and will not create any circumstance so as to disturb the peaceful life of the senior citizen (respondent No.3).

10. Keeping in view the facts and circumstances of the present case, the application filed by the senior citizen (respondent No.3) under 2007 Act is also dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 19, 2026

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Whether speaking/reasoned : Yes

Whether reportable : No