



CWP-2472-2019

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

CWP-2472-2019

Date of Decision: 29.01.2026

ANUPAM

-PETITIONER

V/S

**ADDITIONAL DISTRICT MAGISTRATE, PANCHKULA AND
OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present Mr. Vikas Singh, Sr. Advocate assisted by
Ms. Anamika Sheoran, Advocate,
for the petitioner.

Mr. Sanjeev Manrai, Sr. Advocate assisted by
Mr. Rohit Bhardwaj, Advocate,
for respondent no.2.

Mr. S.S.Kamboj, Advocate and
Mr. Manvir Singh Kamboj, Advocate
for respondent no.3.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, as cast under Article 226/227 of the Constitution of India, daughter-in-law has put to challenge the order dated 08.01.2019 (Annexure P-3), passed by the learned Maintenance Tribunal concerned (respondent no.1), under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the 'Act of 2007'), whereby, she was ordered to be evicted from the



ground floor of House No.1082, Sector-7, Panchkula, which is allegedly a shared household.

2. Learned senior counsel for the petitioner, without picking up the argument on merits of the instant case, directly hit the maintainability of the application against the daughter-in-law (petitioner), under the Act of 2007, at the behest of senior citizen (respondent no.2), by referring to judgement dated 15.12.2025, passed by a Division Bench of this Court in **“Babu Lal Sharma vs. Sushila Devi and others” LPA-701-2018, and connected petitions**, wherein, it is held that the application under the Act of 2007, against the daughter-in-law by a senior citizen, is not maintainable.

3. He, finally submits that the instant application before the learned Maintenance Tribunal concerned, is a collusive one, which has been filed, at the behest of the husband of the petitioner, by respondent no.2, in order to settle the matrimonial dispute between them.

4. On the other hand, learned senior counsel appearing on behalf of respondent no.2(senior citizen), put a fierce defence, and submits that the application preferred by the senior citizen, against the daughter-in-law, is very well maintainable, and draws attention of this Court towards a latest judgement passed by the Hon'ble Supreme Court in **“Rajeshwar Prasad Roy vs. The State of Bihar and others” 2025 (2) Apex Court Judgements (SC) 202.**

5. He further submits that the object of Act of 2007, is to ensure



the welfare of the senior citizen, and that cannot be ensured and protected, until and unless the application is held to be maintainable against the daughter-in-law, who is creating abusive and unpleasant atmosphere in the house, which belongs to respondent no.2-senior citizen.

6. He further submits that instead of filing a writ petition before this Court, the ample remedy is available to the petitioner (daughter-in-law) to invoke of the the provisions of the Protection of Women from Domestic Violence Act, 2005, and in case she succeeds therein, only then she has a right to stay in the matrimonial house. To lend vigor to his arguments, he also placed reliance upon the following judgements:-

- i. Amanpreet and another vs. The Union of India and others, 2016 (3) RCR (Civil) 146;
- ii. Saurabh Maini and another vs. District Magistrate, Gurugram, and others, 2025 (1)RCR (Civil) 713;
- iii. Naresh Kumar and another vs. The Appellate Tribunal, Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and others, 20224(!) Law Herald 469;
- iv. Smt. Devkibai and others s. The State of MP, and other, Law Finder Doc Id#2185442

7. This Court has considered the submissions, as made by both the learned senior counsel for the parties concerned, and is of the considered view that the judgment of the Hon'ble Supreme Court in **Rajeshwar Prasad's** case (*supra*), does not deal with the issue, as to whether, the application under the Act of 2007, is maintainable against the daughter-in-law. Though the eviction of daughter-in-law was held to be legal, yet, specific issue regarding maintainability, specifically, in view of the Act of 2007, has not been considered. Therefore, the same is not



applicable to the facts and circumstances of the instant case.

8. On the other, the Division Bench of this Court in **Babu Lal Sharma's case** (*supra*), has specifically, dealt with the issue in question, and while placing reliance upon the definitions of the 'relatives' and 'children' held that the application before the learned Maintenance Tribunal concerned, by a senior citizen against the daughter-in-law is not maintainable.

9. In view of the above discussion, this Courts finds no reason to take a divergent view, as has already been taken in **Babu Lal Sharma's case** (*supra*), and has no hesitation to hold that the application by respondent no.2 (senior citizen), before the learned Maintenance Tribunal concerned, against the petitioner (daughter-in-law), is not maintainable. Therefore, the instant petition, is hereby, **allowed** and the impugned order is **set aside**.

10. However, respondent no.2 is at liberty to get the impugned order executed against his son who is a perma respondent no.3.

11. All pending application(s), if any, also stand **disposed** of accordingly.

January 29, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No