



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

CWP-11706-2026 (O&M)

Date of decision: 20.04.2026

Anuradha Bansal

....Petitioner

Versus

The District Magistrate, Gurugram-cum-Chairman, Appellate Tribunal,
Parents and Senior Citizen Welfare and Maintenance Act, 2007, and
others
....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mansur Ali, Senior Advocate, with
Mr. Manmeet Singh Bindra, Advocate,
Mr. Vaibhav Garg, Advocate, and
Mr. Tushaar Madaan, Advocate,
for the petitioner.

KULDEEP TIWARI, J. (Oral)

1. The matter at hand is a glaring example of blatant misuse of the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), at the hands of the petitioner-senior citizen, in connivance with her son-respondent No.4, in an attempt to seek eviction of her daughter-in-law (respondent No.3) from the matrimonial home.

2. Learned Senior counsel for the petitioner submits that petitioner is the absolute owner of the property in question. Further, she is having two sons, and both of them were paying rent to her to live in the house in question, as reflected in the ITRs, which are annexed with the petition. He asserts that when respondent No.4 stopped paying rent, and



left the premises, whereafter, respondent No.3 indulged in harassing the petitioner, the instant proceedings were initiated. Moreover, once the daughter-in-law has already initiated proceedings under the Protection of Women from Domestic Violence Act, 2005, therefore, in view of the decision of the Hon'ble Supreme Court in **S. Vanitha Vs. Deputy Commissioner, Bengaluru Urban District and others, (2021) 15 SCC 730,** she can only get her rights, flowing from the said Act, protected. He submits that, at best, the private respondents can stay in the house in question, but with the permission of the petitioner, and as such, they do not possess any pre-existing right. In such circumstances, it is evident that both the authorities, i.e. the Maintenance Tribunal and the Appellate Tribunal, erred in law, by not granting the asked for relief.

3) This Court has heard the submissions advanced on behalf of the petitioner, and has also examined the record.

4) *Ex facie*, the contents of the application preferred by the senior citizen reflect that the same is nothing, but a disclosure of the defence, which her son intended to set out before the Court, which is seized of the proceedings under the Act of 2005. In such a situation, this Court can safely conclude that the application has been preferred at the instance of respondent No.4 (son), in order to settle personal scores with his wife (respondent No.3), owing to a matrimonial discord.

5) Upon being pointedly asked to refer to any pleadings in the application regarding payment of rent by respondent No.4 to the petitioner, on account of accommodating the house in question, which he subsequently stopped, learned Senior counsel failed to satisfy the Court. It is pertinent to



mention that during the course of hearing, it was argued that in the grounds of appeal, preferred before the learned Appellate Tribunal, the abovesaid plea was categorically taken by the petitioner. Suffice it to say, incorporation of altogether a new plea in the appeal, in any case, was an endeavour on the part of the petitioner, at the instance of her son, to improve the case, with a view to achieve the ulterior motive, as demonstrated above.

6) The Act of 2007, was enacted to uphold the traditional norms of Indian Society emphasizing the duty of children and relatives to provide for senior citizens. Accordingly, its provisions must be interpreted to achieve the legislative intent, while ensuring that the Act is not misused for the resolution of ordinary civil or property disputes within families. Further, Section 23 thereof, postulates that where a senior citizen has, after commencement of the Act, transferred his/her property by way of gift or otherwise, subject to the condition that the transferee shall provide for his basic amenities and physical needs, and such transferee fails, or refuses to do so, the Maintenance Tribunal is empowered to declare such transfer to have been made by way of fraud, coercion, or undue influence. In nutshell, the Act can never be allowed to be used as a tool for eviction of the daughter-in-law, who has every right to live in the shared household.

7) In the instant case, after the demise of the husband of the petitioner, the property devolved upon her sons in equal shares, but the petitioner filed the application only against her one son and his wife. It is not disputed that respondent No.3, post marriage, is residing in the house



in question. In conspectus of all the abovesaid aspects of the matter, the learned Maintenance Tribunal, while striking a balance between the parties, rightly passed the impugned order. Therefore, it is imperative to refer to the relevant observations made by the learned Maintenance Tribunal:-

“Therefore, after perusal of all the facts, this Tribunal/Court passes the order that after the death of had petitioner's husband, the property devolved upon petitioner's sons Abhishek Bansal and Rajesh Bansal as succession. Petitioner has filed petition against her younger son Abhishek Bansal and her daughter-in-law, whereas she has not prayed maintenance from her elder brother Rajesh Bansal, whereas as per succession, both the sons have acquired equal right. Petitioner can claim maintenance only from son, daughter, grand-son and grand-daughter under Parents and Senior Citizens Maintenance and Welfare Act, 2007, whereas petitioner is having relation of mother-in-law daughter-in-law with respondent No.1. In such event, it is ordered that petitioner's younger son Abhishek Bansal shall bear the expenses of medicines for treatment Rajesh of Bansal petitioner to give and elder Rs.5000/-son in cash/bank to the petitioner. No member of the family should mis-behave with petitioner and no such act be committed, which may breach the peace of the petitioner.”

8) In the wake of the above, this Court is not inclined to interfere with the well reasoned order passed by the learned Maintenance Tribunal, which was affirmed by the learned Appellate Tribunal, thereby committing no error. Accordingly, the instant writ petition is **dismissed**.



9) Before parting with the order, this Court is constrained to record that, as a sequel of the chronology of events, which speaks volumes about the intentions of the petitioner, this Court was contemplating to dismiss the petition with exemplary costs. However, considering the age the petitioner, this Court refrained itself from saddling her with costs.

(KULDEEP TIWARI)
JUDGE

20.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No