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

**CWP-17090-2019
Date of Decision: 03.02.2026**

GURUJEET SINGH AND ANOTHER

-PETITIONERS

V/S

DEPUTY COMMISSIONER AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Shifa Kler, Advocate,
for the petitioners.

Mr. Aman Kumar, Advocate for
Mr. Jaivir S. Chandail, Addl.Standing Counsel,
for respondent no.1-UT, Chandigarh.

Mr. Gautam Dutt, Sr. Advocate assisted by
Ms. Radhika Mehta, Advocate,
Mr. Farhad Kohli, Advocate and
for respondent no.2.

KULDEEP TIWARI, J. (Oral)

1. The son and the daughter-in-law, have knocked the door of this Court, by invoking its writ jurisdiction by filing the instant petition, under Article 226/227 of the Constitution of India, and challenged the legality of order dated 30.08.2018 (Annexure P-5, passed by the learned Maintenance Tribunal concerned [established under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the 'Act of 2007')], whereby they have been ordered to be evicted from



the house in question. They have also thrown challenged to the order dated 02.05.2019 (Annexure P-6), passed by the learned Appellate Authority concerned, where through the order of eviction passed against the petitioners vide order dated 30.08.2018, has been upheld.

2. Learned counsel for the petitioner, in an attempt to throw challenge to the impugned orders, has made twofold legal submissions, apart from raising issues on merits, which are as under:-

- (i) by placing reliance upon a judgment of the Division Bench of this Court, rendered in **“Babu Lal Sharma vs. Sushila Devi and others” LPA-701-2018, and connected petitions**, she submits that the proceedings under the Act of 2007, cannot be initiated against the daughter-in-law;
- (ii) the second argument as raised, is that the respondent no.2 is not the owner of the property in question, therefore, she cannot invoke the provisions of Act of 2007, and placed reliance upon a judgment passed by a co-ordinate bench of this Court in **“Harjit Kaur and another vs. Union Territory of Chandigarh and others” 2025 (2) RCR (Civil) 500.**

3. Learned senior counsel appearing on behalf of contesting respondent no.2, joins the first legal issue, and submits that the proceedings under the provisions of Act of 2007, is very much maintainable, against the daughter-in-law. By placing reliance upon a judgment in **“S. Vanitha vs. Deputy Commissioner, Bengaluru Urban**



District and others”, (2021) 15 SCC 730, he submits that the Hon'ble Supreme Court, has already examined the said issue, and held that the competing right of daughter-in-law, as protected under the the Protection of Women from Domestic Violence Act, 2005, and provisions of Act of 2007, are to be harmoniously constructed, so as to achieve the desired objectives of the respective Acts.

4. He further submits that the Hon'ble Supreme Court in **“Rajeshwwar Parsad Roy vs. State of Bihar”, (SLP (Civil) No.7675 of 2004, decided on 30.01.2025)**, has held the eviction of daughter-in-law legal. In order to lend vigor to his arguments, he also placed reliance upon the judgements passed by different High Courts, wherethrough, the eviction of daughter-in-law, is held to be legal. The said judgments are mentioned hereinafter:-

- (i) Dilip Marmat vs. Collector and others, (WP No.1705 of 2023, decided on 27.01.2025;
- (ii) Anil and others vs. Maintenance Tribunal; 2025 SCC Online Ker. 5551;
- (iii) Pooja Mehta and others vs. GovernMENT of NACT of Delhi and others, 2024 SCC Online Del 7112.

5. While joining the issue on the second legal submission, as made by learned counsel for the petitioners, he draws attention of this Court towards Memorandum of Understanding (MOU) (Annexure R-21), executed between the daughter(s) of respondent no.2, wherethrough, a life interest in the property has been created.

6. He further submits that the legality of the MOU has already been tested by petitioners, by filing a civil suit bearing No.CS/1105/2017,



and the civil court concerned, held the MOU to be legal and valid vide its judgment dated 14.10.2025. The copy of the said judgment is taken on record as Mark 'A'.

7. He finally, submits that respondent no.2-senior citizen, intends to sell the property in question, to clear all pending loans etc.

8. This Court has considered the rival submissions, as made learned counsel for the parties concerned, and has perused the entire case file.

9. So far as first issue is concerned, this Court believes that it is no more *re integra*, as the Division Bench of this Court in **Babu Lal Sharma's case** (*supra*), has extensively examined the said issue, wherein, even the **S. Vanitha' case** (*supra*), has already been considered. The Division Bench of this Court, while considering the definition of children and relatives, as defined under Section 2(a) and 2(g) of the Act of 2007, respectively, has category held that the proceeding under the aforesaid Act, is not applicable on daughter-in-law. Following the aforesaid judgment, this Bench has also held in “**Anupam vs. Additional District Magistrate, Panchkula and others**” (CWP-2472-2019, decided on 29.01.2026) that the application against daughter-in-law is not maintainable. Therefore, this Court does not find any reason to take a divergent view, which has already been taken in **Anupam's case** (*supra*). Hence, this Court holds that the proceedings, against petitioner no.2 under the Act of 2007 by the senior citizen, is not maintainable.



10. The second issue, as raised by learned counsel for the petitioners, also needs adjudication of this Court. For better understanding, let's have a glimpse upon the definition of property as defined under Section 2(f) of the Act of 2007, which is extracted hereinafter:-

2(f). "**property**" means property of any kind, whether movable or immovable, ancestral or self acquired, tangible or intangible and includes rights or interests in such property.

12. It makes vividly postulates that the property of any kind, includes right or interest. The fact *qua* which there is no wrangle that the property in question, is owned by daughters of respondent no.2, however, by virtue of MOU, the life interest has been created in favour of respondent no.2. Further, the legality of the MOU has already been tested in the civil suit (*supra*), and same was held to legal vide judgement and decree dated 14.10.2025.

13. In view of the above, this Court has no hesitation to hold that respondent no.2, has interest in the property, which is protected under the Act of 2007. Therefore, the second legal issue is answered in favour of respondent no.2, and the application preferred by respondent no.2, against petitioner no.1, seeking eviction is held to be maintainable. No other issue raised on behalf of the parties, requiring this Court to adjudicate.

14. Accordingly, both the impugned orders are modified to the extent that the said orders pass the test of legality *qua* petitioner no.1 (son), however, the application under the Act of 2007, against petitioner



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no.2 (daughter-in-law), is not maintainable.

15. **Disposed of** accordingly.

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

February 03, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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