



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

CWP-19820-2022 (O&M)

Date of decision: 22.01.2026

Bohti @ Bohti Devi

....Petitioner

Versus

Rekha and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Pallavi Babbar, Advocate,
for the petitioner.

Mr. H.N. Sahu, Advocate,
for respondents No.1.

Mr. Neeraj Sharma, Shandilya, Advocate.

Mr. Kapil Bansal, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1) The petitioner, who is a senior citizen, has approached this Court by way of instant writ petition, filed under Articles 226/227 of the Constitution of India, against the order dated 05.08.2022 (Annexure P-5), vide which, the learned Appellate Tribunal has set aside the order dated 30.09.2020 (Annexure P-3) passed by the learned Maintenance Tribunal, thereby, directing the private respondents to vacate the house in question.

2) Learned counsel for the petitioner submits that grievance of the senior citizen is confined only qua her daughter-in-law (respondent No.1), as she has subjected her to cruelty. However, the learned Appellate Tribunal, without considering the abovesaid factual aspect of



the matter, has set aside the well reasoned order passed by the learned Maintenance Tribunal.

3) At the outset, Mr. H.N. Sahu, Advocate, who is representing respondent No.1, as Legal Aid Counsel, draws attention of this Court towards the decision dated 15.12.2025, rendered by a Division Bench of this Court in **LPA-701-2018 (Babu Lal Sharma Vs. Sushila Devi and others)**, and other connected matters, to assert that an application for eviction of daughter-in-law, by invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), cannot withstand the test of legal scrutiny.

4) This Court has heard learned counsel for the parties, and gone through the impugned order.

5) Admittedly, the issue involved for consideration is no more *res integra*, as the same has already been deliberated upon by the Division Bench in **Babu Lal Sharma (supra)**. The relevant observations made therein are extracted hereinbelow:-

“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 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.”

6) When confronted with the abovesaid settled position of law, learned counsel for the petitioner is unable to cite any judicial pronouncement, so as to enable this Court to arrive at a divergent view. Accordingly, the instant writ petition is **dismissed**, in terms of the ratio laid down in **Babu Lal Sharma (supra)**.

7) However, the petitioner is at liberty to avail such other remedies, as shall be admissible in law.

(KULDEEP TIWARI)
JUDGE

22.01.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No