



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

215

LPA-843-2022**Date of Decision: 22.01.2026**

REKHA PATHANIA

...Appellant

Versus

STATE OF PUNJAB AND ORS

...Respondent

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

Present:- Mr. Sanjeev Sharma, Legal Aid Counsel, for the appellant.
Mr. Rahul Rampal, Addl. A.G., Punjab.
Mr. R.K. Arya, Advocate, respondent No.3.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present appeal, the challenge is to the order dated 05.09.2022 passed by the learned Single Judge in CWP-13338-2020, by which the writ petition filed by the senior citizen (respondent No.3 herein) has been allowed and a direction has been given to the daughter-in-law to vacate the premises belonging to the senior citizen. However, vide order dated 27.09.2022, status quo with regard to possession was ordered in the present appeal and appellant continues to occupy the premises even as of now.

2. Learned counsel appearing for the appellant argues that in the present case, there was a matrimonial dispute between the son of the senior citizen and the appellant and it is only due to the said matrimonial dispute, the eviction of the appellant is being sought, though the same is not permissible keeping in view the provisions of Maintenance and Welfare of



Parents and Senior Citizens Act, 2007 (for short '2007 Act').

3. Learned counsel appearing for the appellant submits that an exclusive plea against a daughter-in-law cannot be raised for vacation of the premises under 2007 Act, especially when the intention is to evict the daughter-in-law only due to the matrimonial dispute between the son of the senior citizen and the appellant. Hence, the order passed by the learned Single Judge setting aside the order passed by the Tribunal, by which the said benefit of eviction under 2007 Act was declined to the senior citizen, has wrongly been set aside.

4. Learned counsel appearing on behalf of the senior citizen submits that once the property belongs to a senior citizen, the said senior citizen has exclusive right to seek eviction and therefore, once the eviction is inherent under the 2007 Act, the benefit granted by the learned Single Judge directing the eviction of the daughter-in-law i.e. the appellant herein is perfectly valid and legal and the appeal may kindly be dismissed.

5. Before proceeding further, it has to be noticed whether the relief can be sought against daughter-in-law by the senior citizen. The definition of 'children' has been given under Section 2(a) of 2007 Act, which is as under:-

“2. (a) “children” includes son, daughter, grandson and grand-daughter but does not include a minor;”

6. A bare perusal of the same would show that the daughter-in-law is not included in the definition of the children against whom the relief can be claimed by the senior citizen. Further, as per the definition of 'relative'



under Section 2(g) of 2007 Act, which is as under:-

“2. (g) “relative” means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death;”

7. A bare perusal of the above would show that the relative will only mean a legal heir of the childless senior citizen, who is not minor and is in the possession of or would inherit his property after death of the senior citizen. It is a conceded fact that the daughter-in-law will not be covered under the definition of relative as well.

8. The question which arises for consideration is whether once the relief is being claimed by the senior citizen qua eviction of daughter-in-law alone, can the benefit be granted by the concerned authorities under 2007 Act. The benefit of the relief under 2007 Act can only be granted keeping in view the provisions of 2007 Act and once, the daughter-in-law is not covered under the definition of children or relative, the senior citizen cannot approach seeking relief exclusively against the daughter-in-law especially when senior citizen has not given any property to the daughter-in-law exclusively. Hence, the said aspect has not been noticed by the learned Single Judge while setting aside the order passed by the Tribunal, by which the senior citizen was denied the relief for the eviction of daughter-in-law.

9. 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 home, 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 relevant 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.”

10. Further, it becomes the duty of the Tribunal as well as of the Court especially when summary proceedings are initiated for eviction to



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(5)

examine whether the relief claimed is *bona fide* or for extraneous consideration. In the present case, there is a matrimonial dispute between the appellant daughter-in-law and the son of the senior citizen, which fact has gone unrebutted even during the hearing today. The sole purpose of eviction is to throw out the daughter-in-law from the premises owned by the senior citizen. Once the daughter-in-law has a right to retain the matrimonial accommodation even under the Domestic Violence Act, 2005, the purpose of the said Act should have been looked into by the learned Single Judge while allowing the plea of the senior citizen directing the daughter-in-law to vacate the premises, which has not been looked into by the learned Single Judge while allowing the writ petition so as to set aside the order passed by the Tribunal.

11. Keeping in view the totality of the facts and circumstances, the order dated 05.09.2022 passed by the learned Single Judge is set aside and the order passed by the Tribunal dated 30.01.2020 is restored. Further, the daughter-in-law is also directed to behave in a manner required so that no trouble is caused to the senior citizen while living in the accommodation.

12. The present appeal is allowed accordingly.

13. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 22, 2026

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Whether speaking/reasoned	Yes
Whether reportable	No