



CWP-26988-2019 (O&amp;M)

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

(213)

CWP-26988-2019 (O&amp;M)

Date of Decision : 03.02.2026

Ranjeet Kaur @ Ranjeet Sareen

...Petitioner

Versus

Tribunal Senior Citizen Maintenance and  
Welfare and Sub Division Magistrate and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vishal Aggarwal, Advocate  
for the petitioner.

Mr. Ajaivir Singh, Advocate and  
Mr. Vansham Chhabra, Advocate  
for respondent No.2.

Mr. Rahul Gautam, Advocate  
for respondent No.3

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**KULDEEP TIWARI, J. (ORAL)**

1. The petitioner, who is the daughter-in-law, has to knock the door of this Court, through the instant writ petition under Article 226/227 of the Constitution of India, to throw challenge to the order dated 30.11.2018 (Annexure P-4), as passed by the learned Tribunal concerned, wherethrough, the learned Maintenance Tribunal, exercising its powers envisaged under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007') have passed an *exparte* order and evicted the petitioner from the house in question and, challenge has also been thrown to the order dated 03.04.2019 (Annexure P-7) wherethrough, the application for setting aside the *exparte* order was dismissed.



2. Learned counsel for the petitioner, at the outset, by placing reliance upon the judgment passed by Division Bench of this Court in **LPA-701-2018 (Babu Lal Sharma Vs. Sushila Devi and others)**, and other connected matters, submits that the application under the Act of 2007, itself is not maintainable against the petitioner, being the daughter-in-law. He further submits that though the application has been filed against the son as well, but the same was filed in connivance with the father. The entire gamut is to get eviction of the daughter-in-law.

3. Learned counsel for respondent No.2, submitted that the application is filed not only against the daughter-in-law but also against the son. However, he is unable to refute the judgment passed in **Babu Lal Sharma (supra)** wherethrough, it was held that any application under the Act of 2007, against daughter-in-law is held to be not maintainable. He further submits that the legality of the order impugned dated 30.11.2018 (Annexure P-4), passed by learned Maintenance Tribunal concerned, wherethrough, eviction order has been passed against the petitioner, can be assailed by filing a statutory appeal. However, the petitioner has not availed the remedy of appeal, and therefore, the instant writ petition is not maintainable. Though he tried to join the issue on merits but he was unable to refute the contentions on the issue of maintainability of the initial application in view of the judgment passed by the Division Bench of this Court.

4. This Court has considered the submissions as made by the parties concerned, and has gone through the impugned order as well.

5. Whether, there is connivance between the father and son, would not be an issue for this Court to consider, at this stage, specifically when the only issue before this Court is maintainability of the application against the



daughter-in-law, under the Act of 2007. This issue is squarely covered in ***Babu Lal Sharma case (supra)***.

6. Admittedly, the issue involved for consideration is no more *res integra*, as the same has already been deliberated upon by the Division Bench of this Court 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.”*

7. By following the ratio laid down in the judgment (supra), this Court has no hesitation to hold that the order(s) impugned requires interference of this Court, as the application under the Act of 2007, against the daughter-in-law, itself, is not maintainable. Accordingly, the instant writ petition is **allowed**, in terms of the ratio laid down in **Babu Lal Sharma (supra)**, and the order(s) impugned are hereby **set aside** only against the petitioner.

8. However, liberty is reserved to the respondents to avail alternate remedies, as available under the law.

9. Pending application(s), if any, stands disposed of accordingly.

(KULDEEP TIWARI)  
JUDGE

February 03, 2026

Manpreet

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No