



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

CWP-25439-2021 (O&M)

Date of decision: 21.01.2026

Alka Rani

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kunal Dawar, Senior Advocate, with
Ms. Shruti Mandhotra, Advocate,
for the petitioner.

Mr. Adarsh Jain, Senior Advocate, with
Ms. Amandeep Kaur, Advocate,
for respondents No.4 and 5.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, who is a daughter-in-law of respondents No.4 and 5, is before this Court, assailing the order dated 27.01.2021 (Annexure P-4), vide which, the learned Maintenance Tribunal directed her, along with her husband, to vacate the matrimonial home. Further, the statutory appeal preferred by her against the order (supra), has been dismissed by the learned Appellate Authority, being not maintainable, vide order dated 08.04.2021 (Annexure P-6).

2. Learned Senior counsel for the petitioner, while referring to 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, submits that an application for eviction of daughter-in-law, under the garb of the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for



short, ‘the Act of 2007’), is unsustainable. Further, the daughter-in-law is equally entitled to assail the order of the learned Maintenance Tribunal by preferring a statutory appeal. However, in the instant case, the legal position is otherwise. Accordingly, the impugned orders are liable to be set aside.

3. On the other hand, learned Senior counsel for respondents No.4 and 5, while vehemently refuting the submissions advanced on behalf of the petitioner, contends that the authorities below committed no error, while passing the impugned orders. Accordingly, the instant writ petition is liable to be dismissed.

4. Having heard learned Senior counsel for the parties, the following twin questions arise for determination by this Court:-

“1. *Whether, an appeal by the daughter-in-law/non senior citizen, against the order passed by the Maintenance Tribunal, is maintainable before the Appellate Tribunal?*

2. *Whether, by invoking the provisions of the Act of 2007, eviction of the daughter-in-law can be ordered?”*

5. It is a matter of record that issue No.1, is no more *res integra*, as a Division Bench of this Court, by drawing a verdict dated 28.05.2014, rendered in **CWP-7282-2010**, has already clarified the position of law. After analyzing the provisions of the Act of 2007, it has been unequivocally interpreted that, per Section 16(1), the other party also has a right to appeal. The relevant portion of the order is extracted hereunder:-

“*We are thus of the view that Section 16(1) of the said Act is valid, but must be read to provide for the right of appeal to any of the affected parties.*”



6. In view of abovesaid legal position of law on the subject, this Court is of the considered opinion that the learned Appellate Tribunal ought to have decided the appeal on merits, rather than declaring it non-maintainable. Therefore, the order dated 08.04.2021 (Annexure P-6), does not pass the test of legality, and the same is **set aside**. The matter is remitted to the learned Appellate Tribunal for decision on merits, in terms of the ratio of law settled in CWP-7282-2010.

7. So far as the second issue is concerned, since the matter has been remanded for decision afresh, this Court has consciously refrained itself from expressing any opinion thereupon, lest it prejudice the rights of either of the parties

8. Accordingly, both the parties are directed to cause appearance before the District Magistrate-cum-Appellate Tribunal concerned, on 20.02.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the matter preferably within four months, after affording adequate opportunity of hearing to the parties. And, till then, the order dated 27.01.2021 (Annexure P-4), shall remain in abeyance.

9. With the abovesaid observations, the instant writ petition stands **disposed of**.

(KULDEEP TIWARI)
JUDGE

21.01.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No