

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

101

CWP-24341-2022

Date of Decision : February 18, 2026

SUKHAMRIT PAL KAUR

-PETITIONER

V/S

**THE ADDITIONAL DEPUTY COMMISSIONER-CUM-
COLLECTOR, JAGRAON AND ORS.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rahul Sharma, Sr. Advocate, with
Mr. Ayush Loomba, Advocate, and
Mr. Aditya Sharda, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. Chandan Deep Singh, Advocate (Through V.C.)
for the respondents No.2 and 3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner, a daughter-in-law, has assailed the order dated 06.09.2022 passed by the respondent No.1, whereby directions were issued for partition of the house in question between the petitioner and respondent No.2, the latter acting as the Special Power of Attorney holder of her son/respondent No.3, who resides abroad.

2. Succinctly stated, the respondent No.2 filed an application under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”), seeking protection of her life and liberty against the petitioner and a restraint order prohibiting the petitioner from entering the portion of the house in question to be allotted to her. The grounds canvassed in the application were that the

husband of the respondent No.2, the erstwhile owner of the house in question, had executed a Will during his lifetime bequeathing ½ share of the house to his grandson, Gurpratap Singh (son of the petitioner), and the remaining ½ share to his other grandsons, namely Satnam Singh and Sahib Singh (sons of respondent No.3). After the demise of her husband, the respondent No.2 alleged that she was subjected to harassment and physical abuse by the petitioner, prompting her to lodge a police complaint and initiate criminal proceedings before the competent court at Ludhiana. It was further averred that, as she was denied entry into the house, the respondent No.3, who is residing in Australia, executed a Special Power of Attorney in her favour to facilitate her residence in the half share bequeathed to his sons. Despite the same, the petitioner declined to permit her to reside in the said portion.

3. The application constituted the bedrock for the impugned order, whereby the respondent No.1 directed that the respondent No.2 shall occupy the ground floor of the house in question, while the petitioner and her two minor children shall reside on the first floor.

4. Assailing the impugned order, learned senior counsel for the petitioner contends that the respondent No.2 neither holds ownership rights in the house in question nor was any portion thereof bequeathed to her under the Will. It is submitted that the ownership of the house vests in equal half shares with the petitioner's minor son and the sons of respondent No.3. The present proceedings are an offshoot of an *inter se* family property dispute between the petitioner and respondent No.3, and that the application under Section 22 of the Act of 2007 was engineered at the behest of respondent No.3 through the device of a Special Power of Attorney in favour of

respondent No.2, with a view to secure an advantage in the said dispute. Such recourse amounts to misuse of the provisions of the Act of 2007 and constitutes an abuse of the process of law.

5. It is further contended that the proceedings initiated by the respondent No.2 against her daughter-in-law are legally untenable in view of the *judgment dated 15.12.2025* rendered by a Division Bench of this Court in *LPA-701-2018 (Babu Lal Sharma v. Sushila Devi and others)*, wherein it was held that proceedings under the Act of 2007 are not maintainable against a daughter-in-law.

6. *Per contra*, learned counsel appearing on behalf of the respondents No.2 and 3 reiterates the allegations set forth in the application under Section 22 and submits that, post the demise of her husband, the respondent No.2 was subjected to ill-treatment and physical assault by the petitioner. It is further contended that the property originally belonged to the husband of respondent No.2, who, in order to resolve *inter se* family disputes, executed a Will bequeathing the house in equal shares to the petitioner's minor son and the sons of respondent No.3. It is submitted that the respondent No.2 has been permitted by her grandsons/owners of half share of the house, to reside in their portion, and she has no objection to the petitioner and her children continuing in occupation of the remaining half portion, as directed in the impugned order.

7. This Court has heard the submissions advanced by learned counsel for the parties and has also perused the record.

8. The issue emerging for consideration is whether the respondent No.2, who is admittedly not the owner of the house in question and is possessed of sufficient independent means to survive, can invoke the

provisions of Section 22 of the Act of 2007 against her daughter-in-law under the guise of a Special Power of Attorney executed by her son/ grandsons.

9. What emanates from a studied survey of the impugned order is that, as per the report of the Sub-Divisional Magistrate, the respondent No.2 was not residing in the house in question, rather the petitioner and her children alone were in occupation thereof. Further, the report of the Commissioner of Police, Ludhiana, indicates that the respondent No.2 had not visited the village where the house is situated for the preceding six months. Moreover, no material substantiating the allegations of physical assault or dispossession could come to light.

10. Insofar as the maintainability of the application under the provisions of the Act of 2007 against the petitioner/daughter-in-law is concerned, the said issue has already been examined and answered in the negative by the Division Bench of this Court in ***Babu Lal Sharma's case (supra)***, the relevant paragraphs whereof are extracted hereunder:-

“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 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.”

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. Keeping in view the said settled principle of law noticed herein above, the cases which have been placed before this Court in the present bunch are being decided.

***14. That being so, the LPA No. 267 of 2019 as well as CWP No. 36830 of 2019 are allowed.** The orders passed by the authorities as well as the learned Single Judge, being perverse to the provisions of the 2007 Act are set-aside. Liberty is given to the senior citizens to avail appropriate remedy by filing civil suit in case, the eviction of daughter-in-law is still sought by the senior citizens.*

***15. With regard to the CWP No. 33528 of 2019 and LPA-1709 of 2018** where senior citizens have not been granted the benefit of eviction qua the daughter-in-law by the authorities exercising jurisdiction under 2007 Act as well as learned Single Judge, they have approached this Court by availing remedy of appeal and writ petition, keeping in view the detailed discussion, findings already recorded in the preceding paragraphs that the said remedy of*

eviction against the daughter -in-law is not available under the 2007 Act, the orders passed by the authorities concerned as well as by the learned Single Judge, denying the said relief to the senior citizens under the 2007 Act needs no interference at the hands of this Court and the order passed by the authorities and learned Single Judge denying the benefit to senior citizens qua the eviction of the daughter in law from the premises owned by them are upheld and CWP No. 33528 of 2019 and LPA-1709 of 2018 are accordingly dismissed.”

11. In view of the above, this Court is of the opinion that the respondent No.2 has, under the guise of proceedings initiated under the Act of 2007, being Special Power of Attorney holder of the respondent No.3, endeavoured to settle an *inter se* family property dispute between the petitioner and the respondent No.3, which is impermissible and contrary to the legislative intent behind the said enactment. The application filed by the respondent No.2, therefore, was itself not maintainable.

12. Furthermore, there is no wrangle that there are various litigations pending between the parties, and that the validity of the Will concerned was also put to challenge by filing a civil suit, which was ultimately dismissed.

13. In aftermath, the **instant writ petition is allowed**, and the **impugned order is set aside**. In case, the respondent No.2 has any grievance with regard to partition of the house in question, she may take recourse to appropriate statutory remedy.

February 18, 2026
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(KULDEEP TIWARI)
JUDGE

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