



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

CWP-30237-2022 (O&M)

Date of decision: 16.02.2026

Manju Devi and another

....Petitioners

Versus

Maintenance Tribunal (Senior Citizen) Sub Division, Rohtak, and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. N.K. Malhotra, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. D.K. Tuteja, Advocate,
for respondents No.3 and 4.

KULDEEP TIWARI, J. (Oral)

1) The petitioners/daughters-in-law, by way of instant writ petition, as cast under Articles 226/227 of the Constitution of India, assails the order dated 30.11.2022 (Annexure P-5), vide which, the appeal preferred by respondents No.3 and 4 (senior citizens) against the order dated 22.02.2022 (Annexure P-3), has been allowed by the learned Appellate Tribunal, thereby directing the petitioners to vacate the house in question.

2) Briefly put, respondents No.3 and 4, filed an application under Sections 22 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), primarily, on the ground that, post demise of their sons, their daughters-in-law/petitioners, who happen to be real sisters, have been trying, tooth and nail, to usurp



the property in question. Further, due to unwarranted and violent behavior of the petitioners towards the senior citizens, an FIR was also got registered. Upon consideration of the matter, the learned Maintenance Tribunal did not find any substance in the application (supra), and thus, dismissed the same, vide order dated 22.02.2022 (Annexure P-4). Aggrieved, the senior citizens preferred an appeal before the learned Appellate Tribunal. After analyzing the submissions, the learned Appellate Tribunal was of the view that the learned Maintenance Tribunal failed to factor in certain relevant aspects of the matter, therefore, the order dated 22.02.2022 could not sustain. Accordingly, the appeal has been allowed, and the petitioners have been directed to vacate the house in question. Hence, the instant writ petition.

3) Learned counsel for the petitioners, 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, asserts that an application, under the provisions of the Act of 2007, against the daughter-in-law is not maintainable, as she does not fall within the ambit of relatives. He further places reliance upon an order dated 28.01.2026, rendered in **CWP-29986-2022 (Meenu Vs. Chairman-cum-Deputy Commissioner, Appellate Tribunal, Rohtak and others)**, wherein, the similar view has been adopted by this Court. Therefore, he submits that the impugned order is liable to be set aside.

4) On the other hand, learned counsel for the senior citizens submits that the learned Appellate Authority, after dealing with the scope of the Act of 2007, and also the Protection of Women from Domestic Violence Act, 2005, has found substance in the plea raised by the senior



citizens. Further, it is a matter of record that the petitioners own their separate houses, still they are adamant to vacate the house in question, which was purchased by respondent No.3, out of his hard earned money, though in the name of his son(s). While inviting attention of this Court towards various litigation pending *inter se* the parties and their financial capacity, he submits that despite being owners of the house, the senior citizens are constrained to spend their twilight years, at the mercy of their son.

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

6) Indisputably, the predominant issue, which arises for consideration of this Court, i.e. as to whether, the senior citizen can invoke the provisions of the Act of 2007, against the daughter-in-law, is no more *res integra*, as the same has already been deliberated upon and answered by the Division Bench in **Babu Lal Sharma (supra)**. It would be essential to refer to the relevant observations made therein, and the same 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) Further, in Meenu (supra), this Court, while reiterating the ratio laid down in Babu Lal Sharma (supra), has opined that an application, under the provisions of the Act of 2007, against the daughter-in-law is not maintainable.
- 8) When confronted with the abovesaid settled position of law, learned counsel for the respondent-senior citizens is unable to cite any contrary judicial pronouncement, to convince this Court to arrive at any divergent view. In the wake of the above, the inevitable conclusion that could be reached is: the impugned order dated 30.11.2022 (Annexure P-5), is unsustainable, and the same is **set aside**. However, the senior citizens are at liberty to take recourse of alternate remedies, as shall be available to them, under the law.
- 9) In summa, the instant writ petition is **allowed**.

(KULDEEP TIWARI)
JUDGE

16.02.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No