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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27844-2025

Date of Decision: 10.02.2026

BHARTI

-PETITIONER

V/S

HARI RAM AND OTHERS

-RESPONDENTS

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GULHAN KUMAR

-PETITIONER

V/S

HARI RAM AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashwani Talwar, Sr. Advocate assisted by
Mr. Deepak Goyat, Advocate,
Mr. Nikhil Sehrawat, Advocate,
Mr. Gandharv Malhotra, Advocate,
for the petitioners.

Mr. Vaneet Kumar, Advocate,
for respondent no.1

Mr. Sumeet Jain, Advocate and
Mr. Dhruv Walia, Advocat
for respondents no.3 and 4-UT.

KULDEEP TIWARI, J. (Oral)

1. Both the writ petitions are amenable to be decided together, as a common issue is involved therein and a common orders have been put to challenge, and with the consent of learned counsel for the parties concerned, these are taken together, for final adjudication.



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2. The son and the daughter-in-law of respondent no.1 (senior citizen), have knocked the door of this Court, by invoking its writ jurisdiction by filing the instant petition, under Article 226/227 of the Constitution of India, and challenged the legality of order dated 24.07.2025 (Annexure P-10), passed by learned appellate authority concerned (respondent no.3), as well as the order dated 23.04.2025 (Annexure P-8), passed by the learned Maintenance Tribunal concerned [established under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the 'Act of 2007')], whereby, they have been ordered to be evicted from the shared house/matrimonial house.

3. In the instant case, respondent no.1 had filed an application under Sections 21 and 22 of the Act of 2007, seeking protection of his life and eviction of respondents for the property i.e. House No.57/10, Janta Nagar, Manimajra, UT, Chandigarh. The said application was allowed by the learned Maintenance Tribunal concerned (respondent no.4), and both the petitioners were directed to vacate the portion of the house which was in their possession. The statutory appeal preferred by the petitioners did not yield any fruit, as the same was also dismissed vide order dated 24.07.2025 (Annexure P-10). Hence, the present petition.

4. During the pendency of the instant petition, on dated 03.12.2025, learned counsel for respondent no.1 submitted that he has been served with an electricity bill amounting to Rs.75,000/- which also



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includes the arrears, and the petitioners are not paying half of the electricity amount as they are required to pay. Thereupon, learned senior counsel for the petitioners, had sought an adjournment to file an apt affidavit, and also to bring a cheque with regard to the amount pending against the unpaid electricity bill, enabling respondent no.1, to further, submit it, to the authority concerned.

5. In deference to the above direction, an affidavit dated 09.02.2026, sworn in by Bharti (petitioner in CWP-27844-2025), has been filed today in Court, with a copy thereof, supplied to learned counsel opposite. The same is taken on record.

6. A perusal of the aforesaid affidavit reveals that the electricity bill as on date, payable to the electricity department is Rs.79,388/-, and she undertakes to deposit 50% of the said amount. It also spells out the manner in which the arrears of the electricity bill will be paid. The relevant para of the affidavit (*supra*) is extracted hereinafter:-

“4. That the bill dated 11.11.2025, with due date of 26.11.2025, copy of which is attached as Annexure P-13, reflects the total amount payable after due date as Rs.75,441/--

5. That the bill dated 31.01.2026 with due date as 17.02.2026, has been downloaded by the petitioner from the website of electricity department and the status report, copy of which is attached as Annexure P-14, shows amount payable as Rs.79,388/-.

6. That the share of the petitioner, @ 50% of the amount mentioned in (P-14) works out to Rs.39,694/-.

7. That since the petitioner does not have the entire above said amount readily available with him, the petitioner is attaching a cheque in the name of SDO Electricity Operation Sub-Division No.8, Manimajra Chandigarh for an amount of Rs.



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14,694/ with a further undertaking that the petitioner shall keep on depositing the balance arrears of Rs.25,000/- @ Rs.5,000/- per month and also clear the 50% of the current amount of the bill which shall be received from the electricity department.

However, it is the respectful prayer of the deponent that the respondent be also directed to deposit the proportionate 50% of the amount to the electricity department.”

7. In view of the above specific undertaking given before this Court, the petitioner-Bharti, is bound down to adhere to the contents of the affidavit (*supra*), and she will continue to pay 50% of the electricity bill in future as well.

8. Now coming to the issue of legality of the impugned orders.

9. Learned senior counsel for the petitioners, at the very outset, draws attention of this Court towards the judgement dated 15.12.2025, passed by a Division Bench of this Court in **“Babu Lal Sharma vs. Sushila Devi and others” LPA-701-2018, and connected petitions**, to submit that proceeding under the provisions of the Act of 2007, is not maintainable, against the daughter-in-law.

11. On the other hand, learned counsel for respondent no.1 (senior citizen), took a fierce defence, and submits that the Hon'ble Supreme Court in **“S. Vanitha vs. Deputy Commissioner, Bengaluru Urban District and others”**, (2021) 15 SCC 730, 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



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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 the Act of 2007, the daughter-in-law has not been included in the definition of children, so as to seek remedy under the Act of 2007.

12. He further submits that the application preferred by the senior citizen, against the daughter-in-law, is very well maintainable, and draws attention of this Court towards a latest judgement passed by the Hon'ble Supreme Court in **"Rajeshwar Prasad Roy vs. The State of Bihar and others"** 2025 (2) Apex Court Judgements (SC) 202.

13. He also submits that the object of Act of 2007, is to ensure the welfare of the senior citizen, and that cannot be ensured and protected, until and unless the application is held to be maintainable against the daughter-in-law, who is creating abusive and unpleasant atmosphere in the house, which belongs to respondent no.2-senior citizen.

14. He in addition submits that instead of filing the instant writ petition, before this Court, the ample remedy is available to the petitioner (daughter-in-law) to invoke of the the provisions of the Protection of Women from Domestic Violence Act, 2005, and in case she succeeds therein, only then she has a right to stay in the matrimonial house. To lend vigor to his arguments, he also placed reliance upon the following judgements:-



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- i. Amanpreet and another vs. The Union of India and others, 2016 (3) RCR (Civil) 146;
- ii. Saurabh Maini and another vs. District Magistrate, Gurugram, and others, 2025 (1) RCR (Civil) 713;
- iii. Naresh Kumar and another vs. The Appellate Tribunal, Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and others, 20224(!) Law Herald 469;
- iv. Smt. Devkibai and others s. The State of MP, and other, Law Finder Doc Id#2185442.

15. This Court has considered the submissions, as made by both the learned counsel for the parties, and is of the considered view that the judgment of the Hon'ble Supreme Court in **Rajeshwar Prasad's** case (*supra*), does not deal with the issue, as to whether, the application under the Act of 2007, is maintainable against the daughter-in-law. Though the eviction of daughter-in-law was held to be legal, yet, specific issue regarding the maintainability, specifically, in view of the Act of 2007, has not been considered. Therefore, the same is not applicable to the facts and circumstances of the instant case.

16. On the other, the Division Bench of this Court in **Babu Lal Sharma's case** (*supra*), has specifically, dealt with the issue in question, and while placing reliance upon the definitions of the 'relatives' and 'children' held that the application before the learned Maintenance Tribunal concerned, by a senior citizen against the daughter-in-law is not maintainable.

17. In view of the above discussion, this Courts finds no reason to take a divergent view, as has already been taken in **Babu Lal**



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Sharma's case (*supra*), and has no hesitation to hold that the application by respondent no.1 (senior citizen), before the learned Maintenance Tribunal concerned, against the petitioner-Bharti (daughter-in-law), is not maintainable. Therefore, instant petition (CWP-27844-2025), is hereby, **allowed**, and the impugned order are **set aside** *qua* petitioner-Bharti, only.

18. At this stage, learned senior counsel for the petitioner submits that he does not wish to press the petition, as filed by the petitioner-son (in CWP-27847-2025).

19. Accordingly, CWP-27847-2025, stand **dismissed**, as not pressed.

20. All pending application(s), if any, also stand **disposed** of accordingly.

21. A photocopy of this order be placed on the file of the connected case.

February 10, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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