

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

106

**(I) CWP-30908-2025 (O&M)
Date of Decision : February 09, 2026**

HEMANT CHOPRA AND ANOTHER -PETITIONERS

V/S

SUBHASH CHOPRA AND OTHERS -RESPONDENTS

(II) CWP-652-2026

SUBHASH CHOPRA -PETITIONER

V/S

HEMANT CHOPRA AND OTHERS -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vipin Pal Yadav, Advocate, with
Ms. Manvi Singh, Advocate, and
Ms. Anakshi Sharma, Advocate
for the petitioners (in CWP-30908-2025) and
for the (respondents No.1 and 2 in CWP-652-2026).

Mr. Ashwani Kumar Chopra, Sr. Advocate, with
Mr. Vidul Kapoor, Advocate
for the petitioner (in CWP-652-2026) and
for the respondent No.1 (in CWP-30908-2025).

Mr. Jabar Jeet Singh, Advocate
for the respondent No.4- ICICI Bank (in CWP-30908-2025).

KULDEEP TIWARI, J. (ORAL)

1. The amenability of both these writ petitions for being decided through a common verdict generates from theirs involving common parties, besides encompassing common facts and issues for adjudication. For the sake of convenience and clarity, Mr. Subhash Chopra (petitioner in CWP-652-2026 and respondent No.1 in CWP-30908-2025) shall hereinafter be referred to as the “senior citizen”, while Mr. Hemant Chopra and Mrs.

Meenakshi Chopra (petitioners in CWP-30908-2025 and respondents No.1 and 2 in CWP-652-2026) shall hereinafter be referred to as the “son” and “daughter-in-law”, respectively.

2. Both the present writ petitions lay a common challenge to the order dated 06.12.2023 passed by the Maintenance Tribunal, Panchkula, and the order dated 26.08.2025 passed by the Appellate Tribunal, Panchkula.

3. Assailing the impugned orders, learned counsel appearing for the son and daughter-in-law submits that the same are wholly non-speaking and have been passed in a cryptic and mechanical manner. It is contended that the Tribunals have failed to examine whether the averments contained in the application filed by the senior citizen under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) actually attract the rigours of the said provision. It is further submitted that no consideration has been accorded to the issue as to whether the transfer deed(s) in question expressly contain any recital or stipulation making the transfer conditional upon the transferee maintaining or providing for the transferor, thereby enabling the latter to invoke Section 23.

4. Continuing his submissions, learned counsel submits that in light of the unambiguous observations penned down by a Division Bench of this Court in *LPA-701-2018 (Babu Lal Sharma vs. Sushila Devi and others)*, wherein it has been held that proceedings under the Act of 2007 against a daughter-in-law are not maintainable, the application filed by the senior citizen against the daughter-in-law is *ex facie* not maintainable. Lastly, it is submitted that the son has inherited a half share in the property in question upon the demise of his mother, and whether such inherited share

can be made subject matter of proceedings under Section 23 of the Act of 2007 is a substantial legal issue, which was required to be examined by the Tribunals but has been completely overlooked.

5. *Per contra*, learned senior counsel appearing for the senior citizen puts a fierce defence and contends that the Act of 2007 is a benevolent legislation intended to protect senior citizens and ensure their basic needs are met. It is contended that the senior citizen, who was the original owner of three residential houses situated at Sector 6, Mansa Devi Complex, Panchkula; Sector 28, Urban Estate, Panchkula; and Sector 12-A, Panchkula, has been constrained to live in a rented accommodation, and that too at the mercy of others. It is submitted that the son is presently mentally disturbed and it was the daughter-in-law who forcibly ousted the senior citizen from the house in question. It is further contended that one of the houses situated at Sector 28, Urban Estate, Panchkula, has been sold and the entire sale consideration has been misappropriated by the son and daughter-in-law. As regards the house situated at Sector 6, Mansa Devi Complex, Panchkula, it is submitted that the same has been rented out by them and they are enjoying rental income exceeding ₹1,50,000/- per month.

6. Nonetheless, learned senior counsel, being an officer of the Court, fairly concedes that the impugned orders do not assign any reasons whatsoever. It is further submitted that having regard to the plight of the senior citizen and the object sought to be achieved by the enactment of the Act of 2007, the paramount consideration at this stage is to ensure at least reasonable accommodation for the senior citizen prior to undertaking any further adjudication in the matter.

7. At this stage, learned counsel appearing for the son and

daughter-in-law, on instructions from the daughter-in-law who is present in Court, submits that they are ready and willing to accommodate the senior citizen on the third floor of the house situated at Sector 6, Mansa Devi Complex, Panchkula. However, it is requested that since the said floor is presently tenanted, one month's time be granted to secure its vacation for accommodating the senior citizen.

8. This Court has heard the submissions advanced by learned counsel for the parties and finds that, at this stage, the primary concern of the senior citizen stands addressed in view of the statement made on behalf of the son and daughter-in-law with respect to providing accommodation.

9. This Court has also perused the impugned orders and finds that no reasons whatsoever have been recorded for arriving at the conclusions penned down therein. Even the contentions raised by the son and daughter-in-law have neither been considered nor adjudicated upon, and the application filed under Section 23 of the Act of 2007 has been disposed of in a most perfunctory manner. Accordingly, without expressing any opinion on the merits of the application filed by the senior citizen, this Court deems it appropriate to dispose of the present writ petitions with the following directions:

(i) The impugned orders are set aside being wholly non-speaking, and the matter is remanded to the Maintenance Tribunal, which shall, after affording due opportunity of hearing to both parties, including an opportunity to lead evidence in support of their respective claims, decide the application afresh by passing a reasoned and speaking order, preferably within a period of four months from the date of

receipt of a certified copy of this order;

(ii) The son and daughter-in-law shall, within one month from today, hand over vacant possession of third floor of House No. 178-P, Sector 6, Mansa Devi Complex, Panchkula, to the senior citizen. The senior citizen shall ensure that no obstruction or hindrance is caused to the tenants occupying the other floors of the said house;

(iii) The Maintenance Tribunal shall ensure the entry and accommodation of the senior citizen on the third floor of the house (supra) upon expiry of the one month period from today.

10. It is clarified that the interim arrangement regarding the stay of the senior citizen in the house (*supra*) shall remain subject to the final outcome of the application filed by him under Section 23 of the Act of 2007.

11. It is further clarified that this Court has not expressed any opinion on the merits of the case, and the Maintenance Tribunal shall decide the application independently, strictly in accordance with law, and uninfluenced by any observations made in this order.

12. **Both these writ petitions stand disposed of accordingly.**

13. Pending application(s) also stand disposed of accordingly.

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

February 09, 2026
devinder

(KULDEEP TIWARI)
JUDGE

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