

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

103

CWP-36359-2025

Date of Decision : February 05, 2026

GURBACHAN KAUR

-PETITIONER

V/S

UNION TERRITORY OF CHANDIGARH AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Deepak Verma, Advocate
for the petitioner.

Mr. Anil Kumar Sharma, Advocate, with
Ms. Devyani Sharma, Advocate
for the respondents No.1 to 3.

Mr. Navneet Jindal, Advocate (Legal Aid Counsel)
for the respondent No.4.

KULDEEP TIWARI, J. (ORAL)

1. Through the present writ petition, the petitioner, a septuagenarian senior citizen, has assailed the order dated 17.07.2025 passed by the respondent No.2- Appellate Tribunal, whereby her statutory appeal was dismissed, besides assailing the order dated 24.01.2024 passed by the respondent No.3- Maintenance Tribunal, whereby her application filed under Sections 21, 22 and 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the “Act of 2007”) was dismissed.

2. At the outset, this Court queried learned counsel for the petitioner regarding the maintainability of the present writ petition,

particularly in light of the judgment 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 connected appeals.

3. In his endeavour to distinguish the case of the petitioner from the ratio penned down in the judgment (*supra*), learned counsel for the petitioner advanced a threefold argument. Firstly, it is submitted that since the son of the petitioner (husband of the respondent No.4) has already expired, the respondent No.4, being his Class I heir, falls within the definition of “relative”, and hence the said judgment is distinguishable on facts. Secondly, it is submitted that in LPA-1709-2018, which was also disposed of vide the judgment (*supra*), the senior citizens were not granted the benefit of eviction qua the daughter-in-law inasmuch as the son of the senior citizens was alive at the relevant time, and hence the said judgment is not applicable to the present case. Thirdly, reliance is placed on the verdict rendered by the Hon’ble Supreme Court in ***“Rajeswar Prasad Roy vs. The State of Bihar and others”, 2025(2) ICC 677***, to contend that the Supreme Court has allowed eviction against daughter-in-law and son.

4. This Court has considered the submissions made by learned counsel for the petitioner and finds the present writ petition to be without merit. The principal reason for drawing this inference stems from the unambiguous observations penned down by the Division Bench of this Court in LPA-701-2018, holding that proceedings initiated against daughter-in-law under the Act of 2007 are not maintainable. While recording such observations, the verdict delivered by the Hon’ble Supreme Court in ***Civil Appeal No.3822 of 2020, titled “Smt. S. Vanitha vs. The Deputy***

Commissioner, Bengaluru Urban District and others", was duly considered by the Division Bench. The relevant observations of the Division Bench 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 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. 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.”

5. As regards the submission made by learned counsel for the petitioner that consequent upon demise of the petitioner’s son (husband of

the respondent No.4), the relationship between the petitioner and the respondent No.4 changes, as the latter falls within the definition of “relative” being Class I heir, this Court finds no merit in this submission also. While it is undisputed that the respondent No.4, as a Class I heir of the deceased husband, is entitled to inherit his estate, the fundamental mother-in-law and daughter-in-law relationship between the petitioner and the respondent No.4 remains unchanged. Accordingly, this submission does not warrant a departure from the view taken by the Division Bench in LPA (*supra*).

6. In summa, this Court holds that the original application filed by the petitioner before the Maintenance Tribunal against the respondent No.4 was not maintainable. Accordingly, the **writ petition is dismissed** being devoid of merit.

February 05, 2026
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(KULDEEP TIWARI)
JUDGE

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