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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 15715/2025, CM APPL. 64342/2025 & CM APPL.
70834/2025

TAJ MOHAMMAD & ANR.Petitioners

Through: Appearance not given.

versus

GOVT N.C.T OF DELHI & ORS.Respondents

Through: Ms Nitika Bhutani, Adv. for R-1 & 2.
Mr. Aashish Gumber Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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17.02.2026

1. The petition challenges the impugned order dated 10.09.2025 passed by the learned Appellate Authority-cum-Divisional Commissioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act of 2007'), whereby, the petitioners have been directed to vacate the second floor of property bearing No. V-302, Gali No. 22, Vijay Park, Maujpur, Delhi-110053 within fifteen days.
2. The order passed by the Division Commissioner records following observations:-

"Observations and Findings:-

(i) *Ownership and Rights of Senior Citizen:- It is not disputed that the subject property is a self-acquired property of the appellant. Law is well settled that children (married or unmarried) have no legal right to reside in the self acquired house of parents without their consent.*

(ii) *Object of the Act:- The Act is a piece of beneficial legislation aimed to ensure that senior citizens are not forced to suffer indignity or*



harassment in their twilight years. The Hon'ble High Court in Sandeep Gulati v. State and Shadab Khairi v. State has upheld the right of parents to evict abusive children/daughters-in-law from their property.

(iii) Right of Residence of Daughter-in-law:- The law clarifies that the right of residence of a daughter-in-law under the Domestic Violence Act does not extend to self-acquired property of parents-in-law, if they object to her residence. The obligation to provide alternative accommodation lies on the husband, not the parents (Vinay Verma v. Kanika Pasricha, Delhi High Court).

(iv) Conduct of Respondents:- The record reflects repeated complaints of abuse and harassment by respondents. The SDM's field reports corroborate the ill-treatment. Even if allegations of dowry demand are pending adjudication elsewhere, the jurisdiction under this Act is limited to ensuring peaceful living for senior citizens.

(v) Erroneous Findings of DM:- The DM erred in dismissing the petition despite holding that appellant is the owner. Once ownership and acrimonious relations are established, refusal of eviction defeats the very object of the Act. Conclusion This Appellate Authority finds that the impugned order dated 20.09.2023 suffers from serious infirmity and cannot be sustained. The appellant has successfully demonstrated that continuance of respondents in the property endangers her right to peaceful living."

3. It is also a matter of record that the prayer for interim stay of the impugned order was rejected by this Court. The said order was carried in appeal by the petitioner by way of an LPA. However, the LPA also came to be dismissed, thereby affirming the order passed by this Court declining interim relief.

4. Pursuant to the dismissal of the prayer for stay and the affirmation thereof in LPA, possession of the property in question has already been handed over to the private respondents in accordance with law. The impugned order has, thus, been substantially acted upon.

5. Upon consideration of the overall facts and circumstances of the case, it is evident that the subject property is the self-acquired property of Respondent No. 3. The District magistrate as well as the Appellate Authority has recorded categorical findings in this regard. The complaints of abuse and



harassment alleged by Respondent No. 3 were duly examined and taken into consideration while passing the eviction order under the Act of 2007.

6. The report submitted by the concerned SDM was also perused and relied upon. The said report corroborates the allegations of ill treatment and strained relations within the household. The findings returned by the Appellate Authority are based on material placed on record and cannot be said to be arbitrary, perverse, or unsupported by evidence.

7. In view of the aforesaid, this Court finds no jurisdictional error or patent illegality warranting interference in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India. The scope of interference under Article 227 is limited and does not extend to re appreciation of facts or substitution of findings merely because another view is possible. Consequently, no case is established for exercising writ jurisdiction in the present matter.

8. Accordingly, the petition is dismissed.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 17, 2026

ng/mj