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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 338/2026 and CM APPL. 1650-1651/2026**

KAMAL KUMAR & ORS.

.....Petitioners

Through: Mr. Amit Nayyar, Mr. Sunil Kumar
and Ms. Rekha Rani, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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12.01.2026

1. The petitioners are sons and daughter-in-law of respondent no.3. Respondent no. 3 had filed a complaint under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 framed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, for eviction of the petitioners from the property bearing No. RZ-L-13 Part-11, Hastal, Chanakya Place, D.K. Mohan Garden, Delhi.
2. On due consideration, the District Magistrate found that owing to the misbehaviour of petitioner no.1, respondent no. 3 sought to debar the petitioners from all his immovable properties. Petitioner no.1 was stated to be a habitual drinker and after getting intoxicated, he would allegedly abuse



and fight with respondent no. 3. The said authority called for a report by the concerned Sub-Divisional Magistrate and upon its due consideration, found that circumstances entitling respondent no. 3 for an order for an order for eviction existed and accordingly, the impugned order was passed.

3. The observations which have been made by the original authority in the order dated 04.10.2024, are extracted below, for reference:-

“OBSERVATIONS / FINDINGS:-

On the perusal of the facts and circumstances of the present case and after hearing the contentions of both the parties and the report filed by SDM after due inspection of the suit property, it is observed that it is an undisputed fact that the suit property is owned by complainant. The complainant has clear and unequivocal allegations against the respondents. Once it is established prima facie that the suit property is owned by the complainant then it is not even essential to establish the factum of cruelty against the complainant. The senior citizen parents are entitled for getting an eviction order in their favor. Reliance to be placed upon the following judgments:

i. Further, in regard to respondents, it is a settled law that the wife cannot have a better title than the husband with respect to the property of in laws. That the Hon’ble High Court of Delhi in LPA NO. 537/2018 titled as Smt. Darshna Vs The Govt. of NCT of Delhi & Ors. on dated 18/09/2018 has held that:

‘In the present case, excluding daughter-in-law from the scope of Rule 22(3)(1)(i) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 as amended would debilitate the provisions of the Rules and render it incapable to serve the object of Section 22 of the Act. It is difficult to accept that although a senior citizen is entitled to evict his/her son who is maltreating him, he/she has no option but to suffer the ill-treatment at the hands of his/her daughter-in-law. A daughter-in-laws right to reside in the premises of her in-laws cannot be greater than her husbands’. The expression “son and daughter or legal heirs” as used in the aforesaid Rules must also take within its sweep the families of the daughter/son, of a senior citizen. The term “legal heirs” must be understood in the broadest sense. Indisputably, a daughter-in-law is also a heir in certain circumstances (widow or a pre-deceased son).”’

ii. In Sachin and Anr Vs JhabbuLal and Anr. the Hon’ble Delhi High Court in its decision dated 24/11/2016 has observed that: “Here the house is self acquired house of the parents, son whether married or



unmarried, has no legal right to live in that house and he live in the house so long as his relations with the parents were can live in that house only at the mercy of his parents upto the time the parents allow. Merely because the parents have allowed him to live in the house so long as his relations with the parents were cordial, does not mean that the parents have to bear his burden throughout his life.”

iii. The Hon’ble High Court of Delhi, in LPA No. 783/2017 titled as *Shadab Khairi&Anr Vs. State &Ors.* passed on 22/02/2018 has held that: “The object for which the Act as well as the subject Rules, extracted hereinabove, were brought into force, namely, for the welfare of parents and senior citizens and for protection of their life and property, leave no manner of doubt that the Maintenance Tribunal constituted under the Act has the power and jurisdiction to render the order of eviction. ”

On perusal of the facts and circumstances of the present case, it is observed that the complainants have been physically as well as mentally tortured by the respondents. Further, the respondents have failed to give any proper and justifiable ground/logical reasons to remain/reside in the “property” which is self acquired by the complainants.

On perusal of the facts and circumstances of the present case, it is observed that the complainant has been physically as well as mentally tortured by the respondents. In such circumstances, the eviction of respondents is warranted as wished by the complainant.”

(emphasis supplied)

4. In the appeal, the Divisional Commissioner/Appellate Authority vide the impugned order dated 01.12.2025 has concurred with the findings rendered by the District Magistrate and has observed as under:-

“Findings and observations:-

After hearing both parties and carefully perusing the records, this Appellate Authority finds that the Ld. District Magistrate has rightly appreciated the facts and circumstances of the case while passing the impugned order of eviction. The material placed on record clearly establishes that the Respondent, being a senior citizen and a retired employee of the Defence Ministry, is the absolute and Self-acquired Owner of the suit property. The Appellants, who are the sons and daughter-in-law of the Respondent, have been residing in the property but have failed to discharge their moral and legal obligation to maintain and take care of the Respondent and his aged wife.

The plea of the Appellants that the eviction petition was filed at the instance of the Respondent’s brother or that the property was



constructed with their financial contribution is unsupported by any credible evidence and appears to be an afterthought to defeat the lawful claim of the Respondent.

Accordingly, this Appellate Authority finds no illegality, perversity or infirmity in the impugned order passed by the Ld. District Magistrate.”

5. Learned counsel who appears on behalf of the petitioners, has made various submissions to contend that the orders passed by both the authorities are perverse and deserve to be set aside.

6. The Court, however, on due consideration finds that the reasoning and observations seem to align with the facts as determined therein. The Court, under Articles 226 and 227 of the Constitution of India, cannot re-appreciate the material to determine the factual matrix. Reference can be made to the decision of the Supreme Court in **Rajendra Diwan v. Pradeep Kumar Ranibala**.¹ The relevant portion of the said judgment is extracted below, for reference:

“86. In exercise of its extraordinary power of superintendence and/or judicial review under Articles 226 and 227 of the Constitution of India, the High Courts restrict interference to cases of patent error of law which go to the root of the decision; perversity; arbitrariness and/or unreasonableness; violation of principles of natural justice, lack of jurisdiction and usurpation of powers. The High Court does not re-assess or re-analyse the evidence and/or materials on record. Whether the High Court would exercise its writ jurisdiction to test a decision of the Rent Control Tribunal would depend on the facts and circumstances of the case. The writ jurisdiction of the High Court cannot be converted into an alternative appellate forum, just because there is no other provision of appeal in the eye of the law.”

7. The view taken by the authorities is plausible and in accordance with the mandate of the Act of 2007, which, essentially, is for the protection of senior citizens. Neither have the authorities exceeded their jurisdiction, nor

¹ (2019) 20 SCC 143



are the findings of fact, in any manner, perverse, unreasonable, or arbitrary. Accordingly, finding no justification for interference by the Court, the instant petition stands dismissed.

PURUSHAINdra KUMAR KAURAV, J

JANUARY 12, 2026

Nc/amg