2026:PHHC:191476

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 6291 of 2020 (O&M)
Reserved on: 16.09.2026
Date of Decision: 15.10.2026

Neha Hasija .....Petitioner

Versus

Appellate Authority and Others .....Respondents

1	The date when the judgment is reserved	16.09.2026
2	The date when the judgment is pronounced	15.10.2026
3	The date when the judgment is uploaded on the website	15.10.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	N.A.

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Argued by: Mr. Gaurav Gupta, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

Ms. Pratula Sethi, Advocate
for respondent No.3.

****

KIRTI SINGH, J.

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the order dated 10.01.2019 (Annexure P-1), passed by respondent No.2, and the appellate order dated 25.02.2020 (Annexure P-2), passed by respondent No.1, whereby the petitioner and her husband, respondent No.4, were directed to vacate the residential house owned by respondent No.3, the petitioner's father-in-law, in proceedings initiated under the Maintenance and Welfare of Parents and

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document

Senior Citizens Act, 2007 (hereinafter referred to as 'the Act of 2007').

2. Briefly stated, the facts shorn of unnecessary details are that the petitioner married respondent No.4 on 19.06.2005 and has two sons from the wedlock. Since her marriage, she has been residing in House No.C-34, Rishi Nagar, Chawla Colony, Ballabgarh, District Faridabad, along with her husband and, subsequently, her children. The said house is owned by respondent No.3. The petitioner asserts that respondent No.4 has been living separately and that she has been left to maintain and look after the two children without any independent source of income. Respondent No.3 initiated proceedings under the Act of 2007, alleging abusive and indecent behaviour and threats on the part of the petitioner and respondent No.4. On the basis of the report of the Tehsildar, Ballabgarh, dated 15.10.2018, indicating that the house stood recorded in the name of respondent No.3 vide vasika No.7429 dated 11.12.1997, respondent No.2, vide order dated 10.01.2019, directed the petitioner and respondent No.4 to vacate the premises within one month, with liberty to seek police assistance for implementation. The petitioner challenged the said order before the Appellate Authority. Her appeal was dismissed vide order dated 25.02.2020. Aggrieved thereby, the petitioner has approached this Court.

3. Learned counsel for the petitioner contends that the impugned orders are unsustainable in law, as the petitioner is the daughter-in-law of respondent No.3 and does not fall within the class of persons against whom proceedings for eviction could be maintained under the Act of 2007. It is submitted that the petitioner has been residing in the house in question since her marriage in 2005 and that the same has been her matrimonial home. The

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document

fact that the property is owned by respondent No.3, according to learned counsel, does not by itself confer jurisdiction upon the authorities under the Act of 2007 to direct the petitioner's eviction.

4. Learned counsel further contended that the petitioner was not served with notice before the Tribunal and that the order directing her eviction was passed without affording her an effective opportunity of hearing. Learned counsel also refers to the proceedings instituted by the petitioner under Section 125 Cr.P.C. and the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'the PWDV Act'). It is pointed out that, vide order dated 18.07.2019, the learned Magistrate granted interim maintenance of Rs 6,000 per month to the petitioner and restrained respondent No.3 and his wife from dispossessing her. Although the said restraint was subsequently set aside qua respondent No.3 and his wife in appeal on 08.11.2019, it was maintained qua respondent No.4, with liberty to the petitioner to seek accommodation against her husband.

5. Learned counsel further submits that the petitioner has no independent source of income and that her expenses, as well as those of the children, have been borne by her father and brother. The petitioner denies having threatened or misbehaved with respondent No.3 or her mother-in-law. It is pointed out that the house is a double-storey structure measuring approximately 180 square yards, with entries on two sides, and that the petitioner's residence on the first floor would not prejudice respondent No.3 or his wife, whereas her eviction would leave her and the children without shelter. Learned counsel for petitioner also submits that her LIG house was transferred to respondent No.4 in 2017. It is argued that the authorities failed

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document

to consider the petitioner's objections regarding maintainability, service of notice and her right to seek residence under the PWDV Act, and that the impugned orders are liable to be set aside.

6. *Per contra*, learned State counsel for respondents No.1 and 2, have opposed the writ petition and sought its dismissal. It is contended that the house in question is the self-acquired property of respondent No.3, Gordhan Dass, and that this fact is not disputed by the petitioner. Reliance is placed upon the report of the Tehsildar dated 15.10.2018, which records that the property measuring 153 square yards stands in the name of respondent No.3 vide vasika No.7429 dated 11.12.1997. It is further contended that the property does not fall within the definition of a 'shared household' under the Protection of Women from Domestic Violence Act, 2005, and that the petitioner's claim for maintenance and shelter lies against her husband or children. In support of this contention, reliance is placed upon the judgment of the Hon'ble Supreme Court in ***S.R. Batra and another v. Taruna Batra, (2007) 3 SCC 169.*** On this basis, respondents No.1 and 2 maintain that the orders dated 10.01.2019 and 25.02.2020 have been passed in accordance with the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, at the instance of a senior citizen aged about 80 years, and that no interference is warranted.

7. Learned counsel for respondent No.3 also supports the impugned orders, asserting his ownership of the house and his entitlement, as a senior citizen, to live peacefully in his property. The proceedings, according to the case set up before the authorities, were initiated on account of the alleged abusive and indecent behaviour attributed to the petitioner and

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document

respondent No.4. The impugned orders are, accordingly, sought to be upheld.

8. I have heard the learned counsel for the parties and perused the relevant material on record.

9. The material facts necessary for deciding the present petition are largely undisputed. The petitioner is the daughter-in-law of respondent No.3, Gordhan Dass, having married his son, respondent No.4, Jitender Kumar, on 19.06.2005. Two children were born out of the wedlock. The house in question, bearing No.C-34, Rishi Nagar, Chawla Colony, Ballabgarh, is recorded in the name of respondent No.3 vide vasika No.7429 dated 11.12.1997, as reflected in the report of the Tehsildar dated 15.10.2018. The petitioner asserts that she has been residing in the house since her marriage and has no alternative accommodation. On an application moved by respondent No.3 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter, 'the Act of 2007'), respondent No.2, vide order dated 10.01.2019, directed the petitioner and respondent No.4 to vacate the premises. The said order was upheld by the Appellate Authority vide order dated 25.02.2020. The petitioner alone has assailed these orders before this Court.

10. The principal question that arises for consideration is whether the authorities exercising jurisdiction under the Act of 2007 could have directed the eviction of the petitioner, who is the daughter-in-law of respondent No.3, from the property owned by him.

11. The answer must be sought in the statutory scheme of the Act of 2007. Section 2(a) defines 'children' to include a son, daughter, grandson

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document

and granddaughter, whereas Section 2(g) defines 'relative' with reference to a legal heir of a childless senior citizen. The petitioner, being the daughter-in-law of respondent No.3, does not fall within the definition of 'children'. Nor can she, in the circumstances of the present case, be brought within the definition of 'relative', which is confined to a legal heir of a childless senior citizen. The fact that respondent No.4 is the son of respondent No.3 does not enlarge these statutory definitions so as to bring the petitioner within their ambit.

12. The issue is squarely covered by the judgment of the Division Bench of this Court in ***Babu Lal Sharma v. Sushila Devi and others, decided on 15.12.2025 in LPA-701-2018*** and connected matters. The Division Bench held that the summary remedy of eviction under the Act of 2007 cannot be extended to a daughter-in-law who does not fall within the statutory definitions of 'children' or 'relative'. It further clarified that a senior citizen seeking eviction of a daughter-in-law may pursue a civil suit in accordance with law. The principle laid down therein directly governs the controversy in the present case.

13. Consequently, the ownership of respondent No.3 over the property, though relevant to his proprietary rights, cannot by itself confer upon the authorities under the Act of 2007 a power to evict a person against whom the statutory remedy is unavailable. The concern of a senior citizen to live peacefully and with dignity in his own house is undoubtedly legitimate. However, the object of a beneficial enactment cannot justify an exercise of jurisdiction beyond the limits prescribed by the legislature. The impugned orders, therefore, cannot be sustained insofar as they direct the eviction of

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document

the petitioner.

14. This conclusion does not, however, render the competing claims of the parties to residence and peaceful enjoyment of the property inconsequential. In ***S. Vanitha v. Deputy Commissioner, (2021) 15 SCC 730***, the Hon'ble Supreme Court emphasised the need to harmonise the Act of 2007 with the protections available under the Protection of Women from Domestic Violence Act, 2005 (hereinafter, 'the PWDV Act'). Likewise, ***Satish Chander Ahuja v. Sneha Ahuja, (2021) 1 SCC 414***, clarified the scope of the expression 'shared household' under the PWDV Act. These decisions require the competing rights to be examined in the context of the respective statutory provisions, without treating the ownership of the property as automatically extinguishing a woman's claim to residence or, conversely, treating such a claim as an absolute right to occupy the property irrespective of the lawful rights of its owner.

15. The petitioner has referred to the double-storey construction of the house, the existence of separate entries and the transfer of her LIG house to respondent No.4 in 2017. These matters may bear upon the question of residence and the availability of alternative accommodation, but need not be adjudicated upon in the present proceedings, which turn upon the maintainability of eviction proceedings against the petitioner under the Act of 2007. The Court must, nevertheless, ensure that the relief granted does not disregard the right of respondent No.3 and his wife to reside peacefully in their own house.

16. In this regard, the arrangement already directed by this Court vide order dated 13.09.2022 assumes significance. After noticing that the

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document

house comprises separate ground-floor and first-floor portions, with an independent outside entrance to the first floor, this Court, as an interim measure, directed respondent No.3 and his wife to occupy the ground floor and permitted the petitioner to continue occupying the first floor through the separate outside entrance. The petitioner was restrained from entering the ground floor or obstructing its occupation by respondent No.3 and his wife. The arrangement equally contemplates that the petitioner shall be permitted to continue residing on the first floor without interference with such occupation. Accordingly, respondent No.3 and his wife shall not obstruct the petitioner's peaceful occupation of the first floor through the separate outside entrance, just as the petitioner shall not interfere with their peaceful occupation and use of the ground floor. The directions regarding police assistance contained in the order dated 13.09.2022 shall continue to operate in their terms. This arrangement shall remain in force until modified by a competent forum in accordance with law.

17. Respondent No.3 shall, however, remain at liberty to seek appropriate relief concerning the petitioner's residence before the learned Magistrate seized of the complaint under the PWDV Act or before any other competent forum. In such proceedings, the question of suitable alternate accommodation, including under Section 19(1)(f) of the PWDV Act, and the balancing of rights contemplated in ***Satish Chander Ahuja (supra)*** and ***S. Vanitha (supra)*** may be examined in accordance with law. The petitioner shall likewise be at liberty to pursue her remedies under the PWDV Act, including in terms of the liberty granted by the learned Additional Sessions Judge to seek accommodation against respondent No.4. Having regard to the

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document

advanced age of respondent No.3, the learned Magistrate is requested to decide any such application, if moved, expeditiously and preferably within six months from the date of its filing.

18. In view of the foregoing discussion, the present petition is allowed. The orders dated 10.01.2019 and 25.02.2020 are set aside insofar as they direct the eviction of the petitioner from House No.C-34, Rishi Nagar, Chawla Colony, Ballabgarh, District Faridabad. The order dated 10.01.2019 shall remain unaffected insofar as it concerns respondent No.4, who has not challenged it before this Court.

19. The interim arrangement directed vide order dated 13.09.2022, as supplemented by the reciprocal direction contained in paragraph 8 above, shall continue until modified by a competent forum in accordance with law. Nothing in this order shall be construed as conferring upon the petitioner an indefeasible right of residence or as prejudicing the lawful rights and remedies of respondent No.3. No opinion is expressed on the merits of the proceedings between the parties under Section 125 Cr.P.C. or the PWDV Act, which shall be decided independently in accordance with law.

20. All pending miscellaneous applications, if any, also stand disposed of.

(KIRTI SINGH)
JUDGE

October 15, 2026
Ritika

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

RITIKA
2026.10.15 16:19
I attest to the accuracy and
integrity of this document