



CWP-2814 of 2023(O&M)

-1-

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

**CWP-2814 of 2023(O&M)
Date of Decision: March 20, 2025**

Minakshi Chauhan

..... Petitioner

Versus

**Chairman Appellate Tribunal cum Deputy Commissioner
Bhiwani and others**

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Sandeep Bhardwaj, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A. G. Haryana.

Mr. Manoj Tanwar, Advocate
for respondent Nos. 3 and 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the orders passed by the authority envisaged under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the 2007 Act').

2. Learned counsel for the petitioner submits that the property belongs to the senior citizen, but as the petitioner is the daughter-in-law, hence she should be allowed to retain the said accommodation. Learned counsel for the petitioner further submits that without appreciating all the facts, the order dated 12.05.2022 (Annexure P-2) has been passed by the Sub Divisional Magistrate

directing the eviction of the son of the senior citizen along with family including the petitioner who is their daughter-in-law, which order has been upheld by the appellate tribunal vide order dated 18.12.2022 (Annexure P-4) hence the impugned order may kindly be set aside.

3. Upon notice of motion, the senior citizen has appeared and stated that once the property belongs to the senior citizen and they have no other property to reside and as of now they have been thrown out of the house and they are living in a rented accommodation which is clear from the rent deed Annexure P-6, the petition filed by daughter-in-law may kindly be dismissed so that, the impugned orders dated 12.05.2002 & 8.12.2022 (Annexures P-2 & P-4) should be complied with and the senior citizen can avail the benefit of their own property at this stage.

4. I have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

5. Firstly, it may be noticed that claim was raised against the son by the senior citizens. The son lost his claim before the authorities envisaged under the 2007 Act so as to retain the said accommodation. But, the present petition has been filed by daughter-in-law to the exclusion of the son. Once the daughter-in-law was not the party how can a writ petition be filed by the daughter-in-law challenging the said order, especially when there is no such averment that there is matrimonial dispute between the petitioner and her husband i.e. the son of the senior citizen. On being asked, whether there is a matrimonial dispute, learned counsel for the petitioner very

fairly submits that no such dispute exists between the petitioner and her husband. That being the factual position, the son could have availed the remedy of the writ petition not the daughter-in-law who was not the party.

6. Even otherwise, it is a conceded position that the property belongs to the senior citizen and despite the fact they are owners of the property but they are living in a rented accommodation whereas the property is being enjoyed by the petitioner and her husband. The 2007 Act has only been enacted so as to tackle such kind of situation where the senior citizens are barred by their children to take benefit of their own property.

7. Once, the senior citizen does not have any other property and the property from where the eviction of the son along with petitioner is sought is their exclusive property, which fact has gone undisputed, the order dated 12.05.2022 (Annexure P-2) and 8.12.2022 (Annexure P-4) which have been passed by the authorities concerned directing the eviction of the son, along with family is perfectly valid and legal.

8. Learned counsel for the petitioner has not been able to point out any perversity in the order dated 12.05.2022 (Annexure P-2) and 8.12.2022 (Annexure P-4) which has been passed by authorities keeping in view the fact and evidence brought on record.

9. No ground is made out for any interference. The writ petition is accordingly dismissed.

10. Pending application, if any shall also stand dispose of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**March 20, 2025
archana**

**Whether speaking/reasoned
Whether Reportable**

**Yes
No**