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

% *Judgment reserved on: 09.09.2026*
Judgment pronounced on: 19.11.2026
Judgment uploaded on: 19.11.2026

CNR No. DLHC010408992026

\+ **W.P.(C) 12654/2026, CAV 418/2026 & CM APPL. 58666/2026**

NAMRATA YADAV .....Petitioner

Through: Mr. Sandeep Sharma, Senior Advocate with Mr. Sanjay Rathi, Mr. Sarthak Mannan, Mr. Viraj, Mr. Hitanshu Chhillar, Ms. Bhavika Rathi and Ms. Jaanvi Rathi, Advocates

versus

RAMESH KUMAR YADAV & ORS. .....Respondents

Through: Mr. Mohit Mathur, Senior Advocate with Mr. Atul Guleria, Mr. Aryan Rakesh, Mr. Pratishtha Singh and Mr. Vivek Maurya, Advocates.
Mr. Jagdish Chandra, Ms. Maanya Saxena and Ms. Aishwarya Sinha, Advocates.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J.

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1. By way of the present petition filed under Articles 226 and 227 of the Constitution of India, the petitioner has approached this Court, praying for grant of the following reliefs:

> "19. It is most respectfully prayed that this Hon'ble Court may kindly set aside/quashed the impugned order dated 06.08.2026 passed in the Appeal No. 1328 of 2026 passed by the court of the Ld. Divisional Commissioner, Appellate Authority under Senior Citizen Act & Rules titled as "Ramesh Yadav & Anr Versus Namrata Yadav & Anr", thereby allowing the writ petition in favour of the petitioner.
>
> It is further prayed that during the pendency of the writ petition the operation of the impugned order dated 06.08.2026 passed in the Appeal No. 1328 of 2026 passed by the court of the Ld. Divisional Commissioner, Appellate Authority under Senior Citizen Act & Rules titled as "Ramesh Yadav & Anr Versus Namrata Yadav & Anr", may kindly be stayed by not allowing the implementation and execution of the impugned order dated 06.08.2026.
>
> It is further prayed that any other relief which this Hon'ble Court deems fit and proper may also kindly be granted in favour of the petitioner and against the respondents."

2. In the present case, the learned Divisional Commissioner, Delhi, acting as the Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [hereafter '**Senior Citizens Act**'] and the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, as amended from time to time [hereafter '**Delhi Rules 2009**'], *vide* order dated 06.08.2026 [hereafter '**impugned order**'], allowed the appeal preferred by respondent nos. 1 and 2, against the order dated 23.12.2025 passed by the learned District Magistrate (North-West), Kanjhawala [hereafter 'learned **District Magistrate**'], and directed the petitioner and her

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son to vacate the property bearing no. HU-79, Pitampura, Delhi-110034 [hereafter '**subject property**'], upon being provided alternate accommodation by respondent nos. 1 and 2.

3. Respondent no. 1, Sh. Ramesh Kumar Yadav, and respondent no. 2, Smt. Kavita Yadav, are the father-in-law and the mother-in-law, respectively, of the petitioner, and are senior citizens aged about 70 years and 64 years. Respondent no. 3, Sh. Deepesh Yadav, is the husband of the petitioner, who is residing separately at Ashok Vihar, Delhi.

FACTUAL BACKGROUND

4. Briefly stated, the facts of the case are that the marriage between the petitioner and respondent no. 3 was solemnized on 27.01.2008, and after the marriage, the petitioner started residing at the subject property, which, according to her, is her matrimonial home and shared household. A son, 'MY', was born out of their wedlock on 24.07.2009, who is stated to be presently studying in Class XII. It is not in dispute that respondent nos. 1 and 2 reside on the first floor of the subject property, whereas the petitioner resides in a portion of the ground floor thereof along with her son.

5. It is stated that the matrimonial relationship between the petitioner and respondent no. 3 became strained, and as per the petitioner-wife, respondent no. 3-husband left the matrimonial home on 10.01.2017; *whereas*, as per respondent nos. 1 and 2, respondent no. 3 shifted to a rented accommodation in the year 2016.

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Respondent no. 3 thereafter instituted a petition seeking divorce, being HMA No. 34/2017, and a petition seeking custody of the son, being GP No. 62/2017, both of which are stated to be pending before the learned Family Court, Rohini Courts, Delhi. The petitioner, along with her son, instituted proceedings under Section 125 of the Code of Criminal Procedure, 1973 [hereafter '**Cr.P.C**'], being MT Case No. 616/2017, wherein interim maintenance of ₹30,000/- per month was fixed *vide* order dated 14.03.2019. According to the petitioner, respondent no. 3 is in arrears of maintenance to the tune of ₹8,46,000/- up to July, 2026.

6. On 07.07.2017, the petitioner's father-in-law, i.e. respondent no. 2 instituted a civil suit, bearing CS SCJ No. 713/2017, seeking permanent and mandatory injunction for the eviction of the petitioner from the subject property, in which an application seeking alternate accommodation for the petitioner had also been filed on behalf of respondent no. 3. The said suit is stated to be pending.

7. The petitioner alleges that she was subjected to cruelty, domestic violence, and mental and physical harassment by the respondents and other family members, and a complaint dated 14.12.2017 was made before the CAW Cell. She thereafter instituted proceedings under the Protection of Women from Domestic Violence Act, 2005 [hereafter '**PWDV Act**'], being Ct. Case No. 1407/2018, which are pending before the learned Metropolitan Magistrate (Mahila Court), North-West, Rohini. In the said proceedings, respondent no. 3 (on 22.08.2019) and respondent no. 2 (on

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18.07.2022) filed applications seeking to provide alternate accommodation to the petitioner, which were dismissed by the learned Metropolitan Magistrate (Mahila Court) *vide* order dated 14.12.2023. The appeal preferred there-against by respondent nos. 2 and 3, being CA No. 44/2024, was dismissed by the learned Additional Sessions Judge, North-West, Rohini Courts, *vide* order dated 12.08.2025.

8. On the criminal side, FIR No. 109/2018 was registered at P.S. Maurya Enclave, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 [hereafter '**IPC**'], in which chargesheet was filed against respondent nos. 2 and 3. *Vide* order dated 31.08.2023, respondent no. 3 (husband) was discharged for the offence under Section 406 of IPC and respondent no. 2 (mother-in-law) was discharged for the offences under Sections 498A/406 of IPC. The said order was challenged by the petitioner herein and the same was set aside *vide* order dated 26.04.2024 by the Sessions Court and charges were directed to be framed against them. Such order was then challenged by the respondent nos. 2 and 3 herein, by way of CRL.REV.P. 957/2024, which is pending before this Court, wherein the order passed by the learned Sessions Court has been stayed. One FIR No. 477/2018 was also registered on the complaint of the petitioner against respondent no. 3, alleging that he had forged her signatures and siphoned off monies from her bank account. On the other hand, FIR No. 367/2019 was registered against

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the petitioner and her family members, in which the petitioner and her brother were discharged *vide* order dated 28.09.2021.

9. On 31.08.2019, a civil suit bearing CS SCJ No. 1318/2019 was instituted on behalf of the petitioner's son, MY, against respondent nos. 1 to 3 and other family members, claiming that the suit properties, including the subject property, are Hindu Undivided Family properties in which he has a share as a coparcener, and seeking, *inter alia*, a declaration that the agreement to sell dated 09.01.1987 and the conveyance deed dated 12.05.2000 (registered on 16.05.2000) are null and void. The applications filed by the defendants therein under Order VII Rule 11 of the Code of Civil Procedure, 1908 [hereafter '**CPC**'] were dismissed on 25.01.2024, and CRP No. 154/2024 preferred there-against was dismissed by this Court on 16.10.2024. *Vide* order dated 06.02.2025, the parties to the suit were restrained from creating third-party interest in the suit property till further orders. Thereafter, *vide* order dated 16.05.2026, the learned Civil Judge partly allowed the application of the plaintiff under Order XXXIX Rules 1 and 2 of CPC, directing the defendants therein not to disturb the possession of the plaintiff *qua* the subject property and not to dispossess him therefrom without following due process of law, till the disposal of the suit, while declining the prayer for restraint against alienation and vacating the interim order dated 06.02.2025. The son of the petitioner assailed the said order in MCA SCJ No. 4/2026, wherein the learned Appellate Court, *vide* order

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dated 04.07.2026, stayed the operation of the order dated 16.05.2026, and the said appeal is stated to be pending.

10. Further, on a complaint filed by the petitioner, being Ct. Case No. 555/2023, the learned Metropolitan Magistrate, South-East, Saket, *vide* order dated 24.06.2024, directed registration of an FIR under Section 156(3) of Cr.P.C., pursuant to which FIR No. 210/2024 came to be registered at P.S. Kotla Mubarakpur, *inter alia*, in relation to the alleged fabrication of the documents of title pertaining to the subject property. The criminal revision petition challenging the said order, being Criminal Revision No. 327/2024, was dismissed on 07.11.2024, against which W.P.(CRL) No. 897/2025 is stated to be pending before this Court. It is stated that a closure report has since been filed in the said FIR, against which the petitioner proposes to file a protest petition.

11. In the meantime, on 18.06.2025, respondent nos. 1 and 2 filed an application under Rule 22(2) and Rule 22(3) of the Delhi Rules 2009 before the learned District Magistrate (North-West), seeking the eviction of the petitioner from the subject property on the grounds of ill-treatment, harassment and destruction of property. The learned District Magistrate called for a field verification report from the concerned SDM (Saraswati Vihar), and also personally visited the subject property.

12. *Vide* order dated 23.12.2025, the learned District Magistrate declined the prayer for eviction, and directed the parties to continue

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to reside in their respective portions, subject to certain directions. The relevant portion of the said order reads as under:

> "iii) To check the ground reality, the undersigned also personally visited the residence of the applicant and respondent no. 1. It is worth mentioning that the area of the plot is nearly 500 sq yards. From the visit it was clear that the applicants and respondent no. 1 have a separate entry to the residence. The respondent no. 1 is living in one portion of the house but has blocked the staircase to the 1st floor and terrace by her household items making it difficult for the applicant to use that side of the house. Further, respondent no. 2 is not living in that premise ...
>
> 4) Decision:- Taking into consideration all the facts, submissions, circumstances and material placed before this court, sine-qua-non for eviction of property is that the applicant has to prove two ingredients viz. non-maintenance and ill-treatment by the son, daughter or his her legal heirs. However, it appears that this case was initiated because of marital discord between respondent no. 1 and respondent no. 2. Hence, in view of all the facts it is ordered that the applicant and respondent no. 1 to continue to stay as they were living with the following modifications:
>
> (i) Both parties to have separate entry and exit from each other to and from the (ii) Both parties to not interfere in each other's side of the house and (iii) Respondent no. 1 to vacate the staircase (i.e. going from ground to first floor) from the portion of the house where she is staying so that even the applicant has access to the terrace (from 1st floor onwards) from both sides of the house alongwith respondent no. 1.
>
> Further, both the parties should not disturb each other by any means such as disconnecting water, electricity connections or blocking common passages etc. ..."

13. Aggrieved thereby, respondent nos. 1 and 2 preferred an appeal under Rule 22(3)(4) of the Delhi Rules 2009 before the learned Divisional Commissioner, being Appeal No. 1328/2026, which came to be allowed *vide* the impugned order dated 06.08.2026. The

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relevant portion of the impugned order, containing the findings of the learned Appellate Authority, is extracted hereunder:

> "**Findings and Conclusion:-**
>
> I have considered the submissions of the Ld. Counsel for the parties, perused the impugned order dated 23.12.2025 passed by the Ld. District Magistrate, the appeal, replies and material available on record.
>
> The direction for restoration of utilities and peaceful coexistence, though intended to balance the interests of the parties, does not appear sufficient in the peculiar circumstances of the present case to secure the peaceful and dignified living of the appellants. A senior citizen cannot be compelled to indefinitely endure an atmosphere of persistent conflict and apprehension in his or her own residence.
>
> The contention of Respondent No.1 regarding her right of residence in the property as a shared household has also been considered. However, such right cannot, in every circumstance, be treated as an absolute and indefeasible right overriding the rights and welfare of the senior citizens. The competing rights under the Senior Citizens Act and the Protection of Women from Domestic Violence Act, 2005 are required to be harmoniously balanced. The appellants' willingness to provide reasonable alternate accommodation to Respondent No.1 and her son is also a relevant consideration.
>
> On a cumulative consideration of the material on record, it is very much evident from the videos and photographs placed on record that the relations are acrimonious and respondent no. 1 has caused destruction of the suit property of the appellants and also she had even manhandled her mother-in-law and their lawyer outside the District Magistrate office. Hence, this Appellate Authority is of the considered view that continued cohabitation of the parties has become unworkable and that intervention is warranted to secure the peaceful enjoyment and welfare of the appellants. Accordingly, the present appeal is allowed. The impugned order dated 23.12.2025 passed by the Ld. District Magistrate is hereby set aside and the Respondents are directed to vacate the suit property.
>
> The appellants shall, in terms of their submission, provide reasonable alternate accommodation to Respondent No.1 and her son within 15 days from the date of this order, thereafter

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> respondent shall vacate the suit property within 7 days and peacefully handover the possession of the suit property to the appellants. The shifting process shall be carried out peacefully, in case required, concerned SDM may also assist for smooth implementation of the above directions. It is clarified that the present order is confined to the exercise of jurisdiction under the Senior Citizens Act and shall not be construed as an adjudication upon the title, ownership, HUF/ancestral character or other proprietary rights of any party. The rights and contentions of the parties in the pending civil, matrimonial, criminal or other proceedings shall remain unaffected and shall be decided by the competent forum in accordance with law."

14. The review petition preferred by the petitioner before the learned Appellate Authority on 19.08.2026 was withdrawn on 25.08.2026, with liberty to avail appropriate remedy in accordance with law. Thereafter, the petitioner has approached this Court by way of the present writ petition.

15. When the matter was taken up on 01.09.2026, both the parties had agreed to make an endeavour to amicably settle the disputes, and were accordingly referred to the Delhi High Court Mediation and Conciliation Centre (SAMADHAN). However, as per the report dated 02.09.2026 received from the learned Mediator, the parties remained firm on their respective positions, and the mediation was closed as a 'non-starter'.

SUBMISSIONS BEFORE THE COURT

16. **The learned senior counsel appearing for the petitioner** argues that the impugned order suffers from a fundamental jurisdictional infirmity, inasmuch as the learned Appellate Authority, while exercising summary jurisdiction under the Senior Citizens Act

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and the Delhi Rules 2009, has effectively granted a decree of eviction in respect of a property, the rights *qua* which are the subject matter of pending civil and criminal proceedings. It is contended that respondent no. 2 claims ownership of the subject property on the strength of a conveyance deed dated 12.05.2000, which purports to derive title from Late Sh. Balwant Singh, who had expired on 06.03.1987, i.e. about thirteen years prior to the execution of the said deed. It is stated that the genuineness of the said document is the subject matter of FIR No. 210/2024 as well as CS SCJ No. 1318/2019; and that the learned Appellate Authority has proceeded as if the ownership of respondent no. 2 stood conclusively established, thereby enforcing a disputed title through summary proceedings.

17. It is further argued that respondent nos. 1 to 3 have adopted a calculated strategy of initiating multiple proceedings before different forums, seeking the same relief of eviction of the petitioner, i.e. first by way of CS SCJ No. 713/2017 and an application therein for alternate accommodation, then by way of applications for alternate accommodation under the PWDV Act, which were dismissed by the learned Metropolitan Magistrate on 14.12.2023 with the dismissal being affirmed in appeal on 12.08.2025, and thereafter by invoking the provisions of Senior Citizens Act. It is contended that even the learned District Magistrate dismissed their application after due consideration, and that the impugned order has permitted the respondents to achieve indirectly what they failed to achieve directly, which amounts to forum shopping, deprecated by the Hon'ble

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Supreme Court in ***Union of India v. Cipla Ltd.:*** *(2017) 5 SCC 262*. It is also argued that the principles of issue estoppel, constructive *res judicata* and finality of litigation squarely apply, and that the learned Appellate Authority, which has no appellate or supervisory jurisdiction over the orders passed under the PWDV Act, has granted the very relief which had been declined therein, merely because the respondents reiterated their willingness to provide alternate accommodation.

18. The learned senior counsel further argues that the principal basis of the impugned order is an alleged incident stated to have occurred outside the office of the learned District Magistrate, which is seriously disputed, and which, according to the petitioner, was orchestrated by the respondents in connivance with their other son and his wife, with the video clips thereof having been doctored. It is contended that allegations of harassment, destruction of property and assault, based on selective photographs and videos, have been treated as established facts without any adjudication. It is further argued that the learned District Magistrate had personally inspected the subject property and recorded that the parties reside in separate portions with separate entry and exit, and that the dispute arose out of matrimonial discord, and that these findings have been reversed without cogent reasons. It is also contended that the Senior Citizens Act cannot be converted into a weapon for settling matrimonial disputes, and that beneficial legislation does not create a presumption of truthfulness in favour of senior citizens.

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19. It is lastly argued that the impugned order virtually directs the eviction of the petitioner's son, who was not a party before the authorities below, and whose independent rights in the subject property are the subject matter of CS SCJ No. 1318/2019; that he is a student of Class XII, whose education and stability would be irreparably prejudiced by his displacement; and that the impugned order unsettles a long-standing state of possession, since the petitioner has been residing in the subject property ever since her marriage. It is, therefore, prayed that the impugned order be set aside.

20. Conversely, the **learned senior counsel appearing on behalf of respondent nos. 1 and 2** argues that the impugned order strikes a fair balance between the right of residence of the petitioner and the right of respondent nos. 1 and 2, who are senior citizens, to live peacefully and with dignity in their own residence, inasmuch as the petitioner has not been rendered homeless and respondent nos. 1 and 2 have been directed to provide alternate accommodation to her and her son. It is submitted that though the portions occupied by the parties may appear to have separate gates owing to the wide frontage of the plot, the building is one common structure with a common porch and staircase, owing to which the conflict between the parties is a daily occurrence. It is contended that the petitioner has disconnected the water and electricity supply to the portion of respondent nos. 1 and 2 and blocked their access to the staircase for years, has smashed the CCTV cameras installed on the exterior walls, has attempted to uproot the outdoor unit of their air-conditioner, and

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that the son of the petitioner smashed the windscreen of their car. It is also submitted that respondent no. 1 suffered a heart attack due to the stress caused by the conduct of the petitioner. It is further contended that during the pendency of the proceedings before the learned District Magistrate, the petitioner and her brother assaulted respondent no. 2, her counsel and respondent no. 3 outside the office of the learned District Magistrate, in respect of which FIR No. 394/2025 was registered and chargesheet has been filed, and which incident finds mention in the noting of the learned District Magistrate dated 04.09.2025, though not in the final order.

21. It is further submitted that in compliance of the impugned order, respondent nos. 1 and 2, *vide* legal notice dated 07.08.2026, called upon the petitioner to indicate the locality of her preference for alternate accommodation, and upon receiving no response, identified a suitable accommodation in the same vicinity, paid one month's advance rent, and informed the petitioner of the same *vide* legal notice dated 20.08.2026; however, the petitioner did not shift. It is also submitted that during and after the mediation proceedings, respondent nos. 1 and 2 offered to purchase a three-bedroom apartment in the same vicinity in the name of the petitioner and her son, besides offering permanent alimony and funding the further education of the son, but no response was received from the petitioner. Reliance is placed on several decisions of this Court to contend that the relief of eviction can be granted even where the title is disputed, so long as the senior citizen has a modicum of right or

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interest in the property. It is also submitted that FIR No. 210/2024 has culminated in a closure report, and that the status report filed before this Court in W.P.(CRL) 897/2025 records that no case is made out against respondent nos. 1 and 2.

22. As regards the proceedings under the PWDV Act, it is argued that the applications for offering alternate accommodation were not decided upon an adjudication of the substantive rights of the parties; rather, the learned Metropolitan Magistrate (Mahila Court) had doubted their maintainability and observed that the appropriate remedy was to seek eviction, and the learned Additional Sessions Judge had specifically observed that respondent no. 2 could seek eviction of the petitioner through due procedure. It is submitted that the proceedings under the Senior Citizens Act cannot be permitted to become another chapter in a matrimonial dispute which has continued for nearly ten years, and that respondent nos. 1 and 2, who reside separately from respondent no. 3, only seek to live peacefully in their own residence. It is lastly submitted that, without prejudice to their rights, respondent nos. 1 and 2 remain willing to contribute ₹30,000/- to ₹35,000/- per month towards the rent of an accommodation of the petitioner's own choice. It is, therefore, prayed that the present petition be dismissed.

23. This Court has **heard** arguments addressed on behalf of the parties, and has perused the material available on record, including the written submissions filed on their behalf.

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ANALYSIS & FINDINGS

24. The principal issue which arises for consideration before this Court is whether the learned Appellate Authority could have directed the petitioner, who claims a right of residence in the subject property as her shared household, to vacate the same at the instance of her parents-in-law, who are senior citizens, and if so, whether the directions issued in this regard adequately balance the competing rights of the parties.

(i) The Statutory Framework and Judicial Precedents

25. The Senior Citizens Act is a beneficial and welfare legislation, enacted to provide a simple, inexpensive and speedy remedy to parents and senior citizens. Section 2(b) of the Act defines 'maintenance' to include provision for residence, and Section 2(f) defines 'property' to include property of any kind, whether ancestral or self-acquired, and rights or interests in such property. Section 3 accords overriding effect to the provisions of the Act.

26. Rule 22(3)(1)(i) of the Delhi Rules 2009, as amended, provides for the procedure for eviction from the property of a senior citizen, and reads as under:

> "(3)(1) Procedure for eviction from property/residential building of Senior Citizen/Parents –
>
> (i) A senior citizen/parents may make an application before the Deputy Commissioner/District Magistrate of his district for eviction of his son and daughter or legal heir from his property of any kind whether movable or immovable, ancestral or self-acquired, tangible or intangible and include rights or interests

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> in such property on account of his non-maintenance and ill-treatment."

27. Recently, in ***Ravi Kant Gupta v. State of Uttar Pradesh:*** *Civil Appeal No. 010525/2026, decision dated 04.08.2026*, the Hon'ble Supreme Court has reiterated that the tribunals under the Senior Citizens Act possess the power to order eviction in order to ensure the maintenance or protection of a senior citizen, emphasising that the dignity, respect and security afforded to the elderly is a measure of a civilised society, and that Articles 21 and 41 of the Constitution envisage a social order which enables every individual to live with dignity throughout the course of life.

28. In ***Samtola Devi v. State of Uttar Pradesh:*** *2025 INSC 404*, the Hon'ble Supreme Court had also clarified that though the Tribunal under the Senior Citizens Act is empowered to order eviction, it is not necessary or mandatory to do so in every case, and such a direction is to be issued only where it is necessary for the protection of the senior citizen.

29. *On the other hand*, Section 17 of the PWDV Act recognizes the right of every woman in a domestic relationship to reside in the shared household, whether or not she has any right, title or beneficial interest in the same, and further provides that she shall not be evicted or excluded therefrom save in accordance with the procedure established by law. Section 19(1)(f) of the DV Act, in turn, empowers the learned Magistrate to direct the respondent to secure the same level of alternate accommodation for the aggrieved person

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as enjoyed by her in the shared household, or to pay rent for the same, if the circumstances so require.

30. The interplay between the two enactments was examined by a three-Judge Bench of the Hon'ble Supreme Court in ***S. Vanitha v. Deputy Commissioner, Bengaluru Urban District:*** *(2021) 15 SCC 730*, wherein it was held that the Tribunal under the Senior Citizens Act may order eviction where it is necessary and expedient to ensure the maintenance and protection of the senior citizen, but the right of a woman to residence in a shared household cannot be defeated by the simple expedient of taking recourse to summary proceedings, and that in such composite disputes, the Tribunal must appropriately mould the reliefs. The relevant observations read as under:

> "17. ... The Tribunal under the Senior Citizens Act 2007 may have the authority to order an eviction, if it is necessary and expedient to ensure the maintenance and protection of the senior citizen or parent. Eviction, in other words would be an incident of the enforcement of the right to maintenance and protection. However, this remedy can be granted only after adverting to the competing claims in the dispute. ...
>
> 21. ... 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 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

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> securing an order of eviction by adopting the summary procedure under the Senior Citizens Act 2007.
>
> 22. ... Therefore, in the event that a composite dispute is alleged, such as in the present case where the suit premises are a site of contestation between two groups protected by the law, it would be appropriate for the Tribunal constituted under the Senior Citizens Act 2007 to appropriately mould reliefs, after noticing the competing claims of the parties claiming under the PWDV Act 2005 and Senior Citizens Act 2007..."

31. Equally, the Hon'ble Supreme Court in ***Satish Chander Ahuja v. Sneha Ahuja:*** *(2021) 1 SCC 414*, has cautioned that the right of residence of a daughter-in-law in the shared household is not an indefeasible right, particularly when it is pitted against the right of aged parents-in-law to live in peace. The Court observed as under:

> "83. Before we close our discussion on Section 2(s), we need to observe that the right to residence under Section 19 is not an indefeasible right of residence in shared household especially when the daughter-in-law is pitted against aged father-in-law and mother-in-law. The senior citizens in the evening of their life are also entitled to live peacefully not haunted by marital discord between their son and daughter-in-law. While granting relief both in application under Section 12 of Act, 2005 or in any civil proceedings, the Court has to balance the rights of both the parties..."

32. This Court, too, has consistently endeavoured to harmonise the two enactments. In ***Vinay Varma v. Kanika Pasricha:*** *2019 SCC OnLine Del 11530*, this Court laid down broad guidelines to balance the rights of parents-in-law and a daughter-in-law, recognising that where the relationship between the parties is acrimonious, the parents ought to be permitted to seek eviction from their premises, with the obligation to secure the residence of the daughter-in-law being

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suitably provided for. The Division Bench of this Court in ***Manju Arora v. Neelam Arora:*** *2025 SCC OnLine Del 7280* has held that the right of residence under the PWDV Act is a right of protection and occupation, and not of ownership; that it can be satisfied by providing suitable alternate accommodation under Section 19(1)(f) of the PWDV Act; and that the PWDV Act guarantees adequacy of residence, and not parity of luxury.

33. In ***Ritika Kalra v. GNCT of Delhi:*** *2026:DHC:3704*, this Court held that the right under the PWDV Act is a right to secure residence and not necessarily a right to insist upon residence in a specific property belonging to the in-laws, and upheld the eviction of the daughter-in-law while directing the senior citizens to pay monthly rent for alternate accommodation, with an advance deposit. Further, in ***Ritu Taneja v. GNCT of Delhi:*** *2026 SCC OnLine Del 3199*, this Court held that proceedings under the Senior Citizens Act cannot be converted into a forum for adjudication of complex civil disputes relating to inheritance, ancestral character or ownership of property, and that such pleas cannot constitute a sustainable defence to an eviction order passed for protecting the peaceful residence of senior citizens.

34. It is, therefore, evident from the aforesaid statutory provisions and judicial precedents that, ***firstly***, the authorities under the Senior Citizens Act are empowered to direct eviction where such eviction is necessary and expedient for the maintenance, protection, dignity and peaceful residence of the senior citizens; ***secondly***, the power of

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eviction is not to be exercised mechanically or as a matter of course, and the authority is required to examine the circumstances of each case and advert to the competing rights and interests of the parties; ***thirdly***, where the person sought to be evicted is a woman asserting a right of residence in a shared household under the PWDV Act, such right cannot be defeated merely by resort to the summary mechanism under the Senior Citizens Act, and the competing statutory protections must be harmoniously construed, with the relief being appropriately moulded so as to balance the rights of the senior citizens with the woman's right to secure residence; and ***fourthly***, the right of residence under the PWDV Act is a right to secure residence and protection, and does not, by itself, confer an indefeasible right to reside in a particular property belonging to the in-laws, and may, in an appropriate case, be secured by provision of suitable alternate accommodation which adequately protects the woman's residential needs.

(ii) Whether the reversal of the order of the learned District Magistrate, by the Appellate Authority, suffers from any infirmity or perversity?

35. The first and foremost argument of the petitioner is that the learned Appellate Authority has reversed the findings of the learned District Magistrate, which were based on a personal inspection of the subject property, without any cogent reasons, and the Appellate Authority has relied upon disputed allegations.

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36. This Court notes that the learned Appellate Authority is a statutory appellate forum, which is competent to re-appreciate the material on record and to arrive at its own conclusions. A careful reading of the order of the learned District Magistrate itself shows that, upon inspection, the learned District Magistrate found that though the parties have separate entries to their respective portions, the petitioner had blocked the staircase leading to the first floor and the terrace with her household items, making it difficult for respondent nos. 1 and 2 to use that side of the house; and consequently directed the petitioner to vacate the staircase, and directed both the parties not to disturb each other by disconnecting water or electricity connections or by blocking common passages. These findings and directions, far from establishing that the parties could peacefully co-exist, themselves reflect that the portions occupied by the parties are not self-contained, that the parties share a common staircase, porch and terrace, and that the relations between them had deteriorated to the extent of obstruction of access and disruption of basic amenities.

37. The impugned order passed by the learned Appellate Authority further records that respondent nos. 1 and 2 had relied upon CCTV footage, photographs, police complaints, FIR, medical records, the field verification report and the statements of neighbours and independent witnesses. The impugned order also records the submissions of the petitioner, who, on her part, had relied upon photographs and videos relating to alleged water leakage in her

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portion, installation of CCTV cameras by respondent nos. 1 and 2 on the exterior of the property, cleaning of the common porch, and disputes concerning the exterior door of the portion occupied by respondent nos. 1 and 2. The very nature of these rival grievances, which evidently pertain to the common areas and shared amenities of the subject property *prima facie* demonstrates that notwithstanding the existence of separate residential portions, the parties continue to be in a state of persistent friction in their daily lives.

38. This Court is also unable to accept the contention that since these proceedings arose in the backdrop of the matrimonial discord between the petitioner and respondent no. 3, the same was a sufficient ground to decline relief to respondent nos. 1 and 2. In ***Geeta Wahal v. GNCT of Delhi:*** *2024:DHC:6771*, this Court held that the reliance by the authorities under the Senior Citizens Act, on the decision in ***S. Vanitha*** (*supra*) to reject the claim of a senior citizen, on the ground that the proceedings were an offshoot of matrimonial discord, was misplaced to the extent that it overlooked the necessity of balancing the competing rights involved; and rather, as observed by the Hon'ble Supreme Court in ***Satish Chander Ahuja*** (*supra*), senior citizens in their advances years are entitled to live peacefully, and not be haunted by the marital discord between their son and daughter-in-law.

39. In the present case, respondent nos. 1 and 2, who are aged about 70 and 64 years, have been living in the midst of this discord for close to a decade. Further, the Coordinate Bench of this Court in

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Piare Khan v. GNCT of Delhi: *2025 SCC OnLine Del 8568* after examining the Rule 22(3)(1) of the Delhi Rules 2009, and several judicial precedents, even held that, where the occupants have no right or interest in the property, proof of ill-treatment or non-maintenance is not a necessary precondition for seeking eviction under the Rules

40. Further, insofar as the alleged incident outside the office of the learned District Magistrate is concerned, this Court notes that the same is stated to have occurred during the pendency of the proceedings before the learned District Magistrate, and is the subject matter of FIR No. 394/2025, in which a chargesheet is stated to have been filed. The petitioner, on the other hand, disputes the said incident and alleges that the video clips thereof have been doctored. This Court would refrain from recording any finding on the veracity of the said incident, which shall be determined in the criminal proceedings. However, even if the said incident is kept aside, the cumulative material on record, coupled with the admitted acrimony between the parties, the multiplicity of civil, criminal and matrimonial proceedings pending between them for nearly a decade, the rival allegations of harassment made by each side against the other, and the findings recorded by the learned District Magistrate upon inspection regarding the blocking of the staircase, *prima facie* support the conclusion of the learned Appellate Authority that the continued cohabitation of the parties in the subject property has become unworkable. The said conclusion is a plausible view on the material available on record, and cannot be termed as perverse so as

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to warrant interference by this Court in exercise of its writ jurisdiction.

(iii) Whether the dispute as to title and the pendency of the civil proceedings denuded the Appellate Authority of its jurisdiction?

41. One of the contentions raised on behalf of the petitioner is that the title of respondent no. 2 to the subject property is under a serious cloud, since the conveyance deed dated 12.05.2000 relied upon by her purports to derive title from a person who had expired in the year 1987, and that the rights of the parties, including those of the petitioner's son, are *sub judice* before the competent civil court and, therefore, the learned Appellate Authority could not have directed eviction in summary proceedings.

42. However, in the considered opinion of this Court, the said contention is unmerited, since it is well-settled that an authority under the Senior Citizens Act does not adjudicate questions of title; and, the pendency of a title dispute does not preclude it from protecting the senior citizen, inasmuch as the relief under the Act is not contingent upon a conclusive determination of title, and even a modicum of right or interest of the senior citizen in the property suffices. This Court in ***Manju Tokas v. GNCT of Delhi:*** *2024 SCC OnLine Del 3974*, ***Pritam Singh v. GNCT of Delhi:*** *2025 SCC OnLine Del 4406,* and ***Piare Khan*** *(supra)* has consistently taken this view. In ***Piare Khan*** *(supra)*, the Coordinate Bench of this Court, while relying on decision in ***Pritam Singh*** *(supra)*, which stood upheld by the

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Division Bench of this Court in LPA 384/2025 *vide* an order dated 30.05.2025, observed as under:

> "47. As such, the petitioner is not precluded from invoking the statutory mechanism under the Senior Citizens Act, 2007, with regard to all portions of the subject property. In ***Pritam Singh*** (supra), it has been noticed that in several judicial pronouncements, this Court has gone to the extent of holding that a senior citizen is entitled to seek relief under the Senior Citizens Act, 2007, even where the title of the property is disputed and senior citizen only has a "*modicum of right*" in the subject property. In the present case, the right/title/interest/ownership of the petitioner stands on a far better footing."

43. In the present case, it is not in dispute that respondent nos. 1 and 2 have been residing on the first floor of the subject property, and that respondent no. 2 claims title thereto under a registered conveyance deed. The validity of the said conveyance deed, and the question whether the subject property is a Hindu Undivided Family (HUF) property, are the questions which fall for determination in CS SCJ No. 1318/2019, wherein a declaration to such effect has been specifically sought. Similarly, the allegation of fabrication of the documents of title is the subject matter of FIR No. 210/2024, in which a closure report is stated to have been filed, and against which the petitioner proposes to file a protest petition. These questions will be determined by the competent forums/courts, and this Court refrains from making any observation on the merits thereof.

44. It is significant to note that the learned Appellate Authority has itself expressly clarified that the impugned order is confined to the

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exercise of jurisdiction under the Senior Citizens Act, and shall not be construed as an adjudication upon the title, ownership, HUF or ancestral character, or other proprietary rights of any party. The impugned order, therefore, does not purport to decide, and cannot be read as deciding, any question of title.

45. Insofar as the rights of the petitioner's son are concerned, this Court notes that the learned Civil Judge, *vide* order dated 16.05.2026, had protected the possession of the son *qua* the subject property only to the extent that he be not dispossessed therefrom without following due process of law, and that even the operation of the said order presently stands stayed *vide* order dated 04.07.2026, in the appeal preferred by the son himself. Proceedings under the Senior Citizens Act, being statutory proceedings conducted in accordance with the Delhi Rules, themselves constitute due process of law, as also held by the Coordinate Bench of this Court in ***Vinod Kumar Bali v. Ashish Bali:*** *2024:DHC:7842*. At the same time, this Court is conscious that the son of the petitioner, who is still a minor, resides in the subject property as a member of the petitioner's household, and has raised an independent claim in respect thereof which is pending adjudication in CS SCJ No. 1318/2019 and MCA SCJ No. 4/2026, and sufficient safeguards qua him must be ensured.

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(iv) Whether the orders passed in the proceedings under the PWDV Act barred the proceedings under the Senior Citizens Act?

46. Another argument of the petitioner is that the respondents are indulging in forum shopping, since the relief of shifting the petitioner to an alternate accommodation had already been declined by the competent courts under the PWDV Act. In order to appreciate this contention, it would be apposite to take note of the relevant portions of the orders passed in the said proceedings.

47. The learned Metropolitan Magistrate (Mahila Court), while dismissing the applications filed by respondent nos. 2 and 3 *vide* order dated 14.12.2023, had observed as under:

> "At the outset, **it is not clear whether the present application filed on behalf of the respondent no. 1 is maintainable or not** since the PWDV Act is a beneficial legislation with the objective to protect the basic rights of women within their matrimonial household. There is no dispute that the said property is the shared household of the complainant and that she has been residing there since her marriage with respondent no. 1. **While this Court understands that rights of the complainant as well as respondent no. 3 mother-in-law have to balanced, however, the appropriate remedy for the respondent no. 3 in this regard is to file a Petition for eviction and in fact in this case, a civil suit is already pending between the parties and admittedly, a similar application is pending adjudication before the Ld. Civil Court as well.** Even as per the judgments relied upon by the respondents, there is no embargo upon the respondents to file an eviction suit, but in my considered opinion, **respondent no. 1 and 3 have no locus standi to file an application to offer alternate accommodation to the complainant** in the facts of the present case, when the complainant is stated to be residing in the shared household. ...
>
> ... In view of the above discussion, both the applications filed by respondent no. 1 and respondent no. 3 **are disposed of as**

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> **dismissed. The observation made in the order shall not tantamount to any findings on merits of this case**."
>
> (Emphasis added)

48. The learned Additional Sessions Judge, North-West, Rohini Courts, while dismissing the appeal [CA No. 44/2024] preferred against the aforesaid order, *vide* order dated 12.08.2025, had observed as under:

> "5. The D V Act is mainly a beneficial legislation mainly to protect the women from cruelty and harassment done by the husband and his relatives. Though, there is provision of alternate residence but the same has to be ordered only in rare circumstances where the grant of residence order in favour of the victim would be causing grave injustice to the other parties. Admittedly, the respondent is living on the ground floor while the appellant no. 1 is living on the first floor. It is also pertinent to mention here that the husband of the respondent is living at a different address at Ashok Vihar. No such circumstances have been shown as to grant order for alternate residence for the respondent. **It is also pertinent to mention here that such applications on behalf of husband or other relatives through him do not seem to be maintainable in absence of any such provisions in this Act. During the arguments, it was also mentioned by the Ld. Counsel for the appellants that proceedings under the Senior Citizen's Protection Act are also pending. The appellant no. 1 can seek eviction of the respondent wife through due procedure**..."
>
> (Emphasis added)

49. A perusal of the aforesaid orders reveals that the applications of respondent nos. 2 and 3 were rejected primarily on the ground that the respondents in proceedings under the PWDV Act, which is a legislation for the protection of the aggrieved woman, had no *locus standi* to seek her removal from the shared household by way of an application thereunder. The learned Metropolitan Magistrate

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expressly observed that the appropriate remedy for the mother-in-law was to seek eviction, and clarified that the observations made therein shall not tantamount to any findings on merits. The learned Additional Sessions Judge, while affirming the said view, took note of the pendency of the proceedings under the Senior Citizens Act and observed that the mother-in-law could seek the eviction of the petitioner through due procedure. These orders, therefore, did not adjudicate upon the independent statutory right of respondent nos. 1 and 2, as senior citizens, to seek protection under the Senior Citizens Act; on the contrary, they indicated that the remedy available to them lay elsewhere.

50. This Court also notes that the material relied upon by respondent nos. 1 and 2 before the authorities under the Senior Citizens Act included allegations of incidents which had allegedly taken place after passing of these orders under PWDV Act, including the incident alleged to have occurred outside the office of the learned District Magistrate during the pendency of the proceedings under the Senior Citizens Act.

51. In view thereof, the principles of *res judicata*, issue estoppel or constructive *res judicata* have no application, and the invocation by respondent nos. 1 and 2 of the very remedy which the competent courts under the PWDV Act had themselves indicated cannot be characterised as forum shopping. The decision in ***Union of India v. Cipla Ltd.*** (*supra*), relied upon by the petitioner, is of no assistance to her in the facts of the present case.

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52. This Court is, however, conscious of the caution sounded by the Hon'ble Supreme Court in ***S. Vanitha*** (*supra*), that the summary procedure under the Senior Citizens Act cannot be adopted as a strategy to defeat the claim of a woman to residence in the shared household. The petitioner has also alleged that the present proceedings have been initiated in connivance with respondent no. 3. In the opinion of this Court, the facts of the present case are distinguishable from those in ***S. Vanitha*** (*supra*), where the property had been purchased by the husband, sold by him to his father at the same price, and thereafter gifted to the mother-in-law, in the backdrop of the matrimonial dispute, and the in-laws were not residing in the premises. *In the present case*, respondent nos. 1 and 2 are themselves residing in the subject property, and the grievance raised by them relates to the day-to-day conflict in the premises in which they live. Nonetheless, the safeguard, which ***S. Vanitha*** (*supra*) mandates, is that the right of the petitioner to secure a residence must not be rendered illusory, and the reliefs must be moulded accordingly. It is also relevant to note that the proceedings under the DV Act, being Ct. Case No. 1407/2018, remain pending, and the petitioner's right to seek appropriate reliefs therein, including under Section 19 of the DV Act, remains unaffected.

(v) Whether the directions in the impugned order adequately balance the competing rights of the parties?

53. Having held that the learned Appellate Authority was justified in concluding that the continued living together in the same premises

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of the parties has become unworkable, the next question which arises is whether the directions issued in the impugned order are adequate to secure the right of residence of the petitioner, as mandated by ***S. Vanitha*** (*supra*).

54. In the considered opinion of this Court, though the impugned order is correct in principle, the directions issued therein lack the specificity required to ensure that the right of the petitioner and her son to secure a residence is not rendered illusory. The impugned order merely directs respondent nos. 1 and 2 to provide 'reasonable alternate accommodation' within 15 days, and the petitioner to vacate within 7 days thereafter. It does not lay down the standard of the accommodation to be provided, the period for which the same is to be provided, the manner of payment of rent, or the consequences of any default on the part of respondent nos. 1 and 2. Further, a total period of about three weeks for relocating a woman who has resided in the subject property since the year 2008, along with her son who is a student of Class XII, is, in the opinion of this Court, unjustified.

55. This Court also notes that the petitioner has chosen not to respond to the notices dated 07.08.2026 and 20.08.2026 issued by respondent nos. 1 and 2, whereby she was called upon to indicate the locality of her preference, and was informed of the accommodation identified by them. The right of residence under the PWDV Act, as noted above, is a right to secure a residence of an adequate standard, and not a right to insist upon residence in a particular property belonging to the in-laws. At the same time, the petitioner, who is

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stated to be dependent upon the interim maintenance of ₹30,000/- per month awarded in her favour, and who alleges substantial arrears thereof, cannot be expected to relocate to an accommodation of an unspecified standard, on uncertain terms, and without any assurance of continuity. As per the averments of respondent nos. 1 and 2 themselves before the learned District Magistrate, the petitioner presently occupies a portion of the ground floor comprising two bedrooms, a drawing room and a kitchen, and the alternate accommodation must be broadly commensurate therewith.

56. Respondent nos. 1 and 2 have, before this Court, expressed their willingness to contribute up to ₹35,000/- per month towards the rent of an accommodation of the petitioner's own choice. This Court is of the view that the said offer, if structured with adequate safeguards, would sufficiently secure the right of residence of the petitioner and her son, while also enabling respondent nos. 1 and 2 to live in peace in their own residence. Such a course would also be in consonance with the mandate of ***S. Vanitha*** (*supra*) to appropriately mould the reliefs in composite disputes of the present nature.

57. As regards the offer made by respondent nos. 1 and 2 to purchase a three-bedroom apartment in the name of the petitioner and her son, along with payment of permanent alimony and educational expenses, this Court notes that the said offer was in the nature of a proposal for an overall settlement of the disputes between the parties, which has not been accepted by the petitioner, and the mediation between the parties has not borne fruit. The same cannot, therefore,

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be converted into a direction by this Court. It shall, however, remain open to the parties to explore an amicable resolution of their disputes, including on the basis of the said offer, if they so desire.

58. **To conclude**, this Court finds no jurisdictional error or perversity in the conclusion of the learned Appellate Authority that the continued living together of the parties in the subject property has become unworkable, and that the petitioner and her son are required to shift to an alternate accommodation. However, in order to ensure that the right of residence of the petitioner and her son is adequately secured, the impugned order dated 06.08.2026 is modified, and the following directions are issued:

(i) The petitioner shall, within a period of four (04) weeks from the date of this judgment, identify a residential accommodation comprising two bedrooms, a drawing room and a kitchen, preferably in the same or an adjoining locality and within reasonable commuting distance of the school of her son, so as to cause minimum disruption to his education, and shall communicate the particulars thereof to respondent nos. 1 and 2 through counsel.

(ii) Respondent nos. 1 and 2 shall bear the rent of the said accommodation up to a sum of ₹35,000/- per month. Respondent nos. 1 and 2 shall also bear the security deposit, the brokerage, if any, and the reasonable expenses of shifting.

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(iii) Within two weeks of receipt of the particulars of the accommodation, respondent nos. 1 and 2 shall deposit the rent for the first six months in advance, along with the security deposit, either directly with the landlord or in the bank account of the petitioner, as the petitioner may indicate. Thereafter, the rent shall be paid on or before the 10th day of each calendar month.

(iv) In case the petitioner fails to identify an accommodation within the period stipulated in direction (i), respondent nos. 1 and 2 shall be at liberty to offer the accommodation already identified by them, or another accommodation of a comparable standard in the same vicinity, on the terms set out in directions (ii) and (iii).

(v) The petitioner, along with her son, shall vacate the portion of the subject property in her occupation, and hand over its peaceful possession to respondent nos. 1 and 2, within two weeks from the date of compliance of direction (iii). The concerned SDM shall render assistance, if required, for smooth and peaceful implementation of this direction.

(vi) The obligation of respondent nos. 1 and 2 under directions (ii) and (iii) shall continue until the right of residence of the petitioner is finally adjudicated in the proceedings under the PWDV Act or in the matrimonial proceedings between the petitioner and respondent no. 3,

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subject to such orders as may be passed by the competent court in this regard.

(vii) In the event respondent nos. 1 and 2 default in payment of rent for two consecutive months, the petitioner shall be at liberty to approach the learned Appellate Authority, which shall consider the grievance expeditiously and pass appropriate orders, including for restoration of possession, in accordance with law.

(viii) The aforesaid arrangement is being directed on the basis of the offer made by respondent nos. 1 and 2 themselves, and shall be in addition to, and not in adjustment of, the maintenance payable by respondent no. 3 to the petitioner and her son. It shall be without prejudice to the rights and contentions of the parties in the maintenance proceedings, the proceedings under the PWDV Act, and any civil proceedings pending between them.

(ix) Till the petitioner shifts to the alternate accommodation, both parties shall maintain peace and decorum, and shall comply with the directions issued by the learned District Magistrate *vide* order dated 23.12.2025 regarding non-obstruction of the staircase and common passages and non-interference with the water and electricity connections of each other.

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(x) The arrangement directed herein shall remain subject to the orders that may be passed in CS SCJ No. 1318/2019 and MCA SCJ No. 4/2026, and nothing contained herein shall prejudice the rights and contentions of the son of the petitioner therein.

59. It is clarified that nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the pending civil, matrimonial, criminal or other proceedings between the parties, including those relating to the title, ownership or ancestral character of the subject property, which shall be decided by the competent forums on their own merits and in accordance with law.

60. The petition is, accordingly, disposed of in the above terms. Pending applications, if any, also stand disposed of.

61. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 19, 2026/vc

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