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

+ **W.P.(C) 3099/2026 & CM APPL. 14953/2026**

Date of decision: **23.04.2026**

IN THE MATTER OF:

RATIKA KALRA

.....Petitioner

Through: Mr. Manish Jha and Ms. Neha Mishra, Advs.

versus

GOVERNMENT OF NCT OF DELHI AND ORS.Respondents

Through: Ms Shehnaz Ali, Adv. for R-3,4 & 5.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner's grievance arises out of order dated 19.05.2025 passed by the District Magistrate (West), New Delhi (**Maintenance Tribunal**), whereby, the petitioner and her family members have been directed to vacate the property bearing no. 42, Pragati Apartments, Club Road, Paschim Vihar, West Delhi-110063.

2. The petitioner is the daughter-in-law of respondents no. 3 and 4-senior citizens. The said respondents had filed an application under Rule 22(3) of the Delhi Maintenance and Welfare of Senior Citizens Rules, 2009 (**Rules**), framed under the Maintenance and Welfare of Senior Citizens Act,



2007 (**Senior Citizens Act**), seeking eviction of the petitioner and her family members from the property in question. The Maintenance Tribunal, *vide* order dated 19.05.2025, had allowed the said application.

3. The petitioner preferred an appeal against the said order before the Appellate Authority cum Divisional Commissioner (**Appellate Authority**). The said appeal has been dismissed, finding no justification to interfere with the order passed by the Maintenance Tribunal.

4. The primary ground of challenge is that, the authorities did not harmonise the rights of the petitioner under the Protection of Women from Domestic Violence Act, 2005 (**DV Act**) with the provisions of the Senior Citizens Act as per the decision of the Supreme Court in **S. Vanitha v. Deputy Commissioner, Bengaluru Urban District and Ors.**¹ It is contended that the petitioner has been residing in the property-in-question, immediately post her marriage, and therefore, is her matrimonial home.

5. According to learned counsel on behalf of the petitioner, the authorities have also not given due consideration to interim order dated 06.08.2022 passed in a pending civil suit between the parties, whereby, the respondent-senior citizens have been directed not to create any third-party interests in the property in question. It is contended that, in proceedings under the DV Act, the concerned Mahila Court has also restrained the respondent-senior citizens from dispossessing the petitioner without following due process of law.

¹ (2021) 15 SCC 730



6. Further, according to him, the authorities have also failed to appreciate the fact that the petitioner has a minor child who has been diagnosed with Autism Spectrum Disorder and Intellectual Disability and has also been certified to have fifty per cent permanent disability by the competent authority. It is submitted that the needs of the child are intricately connected to the petitioner's right to reside in the shared household under Section 17 of the DV Act. The child's schooling, specialized medical treatment and therapy, are structured around their present place of residence. Therefore, it is her case that the impugned orders, therefore, prejudicially affect the minor child, who is also the grandchild of respondents no. 3 and 4.

7. The submissions are strongly opposed by learned counsel appearing for the respondents, who contends that, without prejudice, the respondents are ready and willing to offer suitable accommodation for a reasonable amount towards rent. It is her contention that an independent house has already been purchased at Sector 70A, Gurugram, by the petitioner in the joint name of the petitioner and respondent no.5 at the expenses of respondent nos.3 and 5.

8. It is also submitted that from 01.06.2022 to 12.04.2026, the petitioner has stayed in the present place of residence only for 260 days, that too, only at night. Further, she contends that the parental house of the petitioner is also situated close to the property in question, and the child attends school, medical treatment, etc. therefrom. She, therefore, submits that on the pretext of welfare of the child, the petitioner is trying to prevent the respondent-



senior citizens from peacefully enjoying their property, without any justification.

9. The Court has considered the submissions made by learned counsel appearing for the parties and perused the record.

10. As per the Rule 22(3)(1) of the Rules, a senior citizen is entitled for eviction from his property on account of his non-maintenance and ill treatment. Admittedly, the property in question is owned by respondent no. 3. Before the Maintenance Tribunal, respondent-senior citizens had alleged that the petitioner and her family members who were residing along with her, were meting out ill-treatment to the former. The Maintenance Tribunal has found merit in these allegations

11. The order passed by the Maintenance Tribunal would indicate that the SDM, Punjabi Bagh, was directed to submit a report, who, *vide* report dated 16.06.2022, found that the property is owned by respondent no.3.

12. In the instant case, the allegations of ill treatment have been made against the petitioner. The Maintenance Tribunal in paragraph nos.74 to 78 of the order has taken note of ill treatment which was meted out to the senior citizen. Those are the findings of fact which do not require to be interfered with in the absence of their being palpably illegal or wholly perverse. The same are extracted as under:

“74. Thirdly, as far as ill-treatment and harassment is concerned, it has been submitted by the Applicants/Complainants that the Respondent no. 1 alongwith her family members have been abusive, both physically as well as verbally. In this regard, the applicants lodged complaints to Police Station but no action has been taken. Further, the Hon'ble High Court of



Delhi has held in regard to the said issue of ill-treatment and harassment in the recent Judgement titled as Sandeep Gulati Vs. Divisional Commissioner, GNCTD vide W.P. No. 2761 of 2020 dated 13th March, 2020 as under:

“... a Senior Citizen is merely to show that its property needs protection and need not necessarily have to show that he/she needs maintenance or has been ill-treated by the son or other legal heir.”

75. It is mentioned here that the statement of the applicant was recorded during the field enquiry by the official of the Sub Division, Punjabi Bagh wherein they stated that the respondents have harassed and abused them on several occasions and sometimes respondent no. 1 and her family members have even raised hand on them, used to reside at the subject forcefully. Due to these reasons, they have filed the present complaint before this authority.

76. It is mentioned here that the Court of Shri Ankit Karan Singh, Civil Judge-01 (West), Tis Hazari Courts, Delhi has passed an order on 06.08.2022 in the matter of CS SCJ No. 1177/21 titled as Ratika Kalra Vs. Nalin Kalra and Ors. wherein the Hon'ble Court directed to the defendants (herein complainants) not to create any third party interest in the suit premises till the pendency of the present suit or till defendant no. 1 sets up an alternate accommodation. In thgis regard, the complainants submitted that their son Nalin Kalra and respondent No. Ratika Kalra booked a flat at Pyramid Fusion Homes, Apartment No. 005, admeasuring 598.53 Sq. Ft. carpet Area and 100 Sq. Ft. Balcony area situated on Ground Floor of Tower-3 at the affordable Group Housing Project namely Pyrmid Fusion Homes developed at revenue estate of Village-Palra, Sector 70A, Gurugram, Haryana, India amd the Pyramid Fusion Homes issued the offer of possession letter on 21.08.2024 but the respondent no. 1 intently has not taken the possession of the said flat.

77. It is also mentioned here that the complainant submitted during the hearing that they are ready to pay the outstanding amount/demand of Pyramid Fusion Homes if the respondent ready t taken over the possession of the said property.

78. Hence, it is evident that the Respondents are causing harassment to the complaints. Now therefore, by the powers vested Under clause (1)(i) of sub-rule 3 of Rule 22 of the Delhi Maintenance and welfare of Parents and Senior Citizens Rules, 2009, as amended on 19th December, 2016 and 28th July, 2017, I am of the considered opinion that the ends of justice would be met if the Respondents along with family members are evicted from the



subject property so that Complainant/Applicant/Petitioner and other family members can enjoy the remaining years of their life in peace.”

13. The aforesaid order has been affirmed by the Appellate Authority. A perusal of the same reveals that therein, the petitioner had not challenged the findings with respect to ill treatment of the senior citizens. Further, the Appellate Authority has given due consideration to the petitioner's submission with respect to her rights under the DV Act as well as the needs of her child. The relevant portions of the order are extracted below, for reference:

“6. The material on record establishes that the suit property is self-acquired property of the Respondent No.-1. The Appellant does not claim any ownership or co-ownership therein. Otherwise also, the appellant cannot have better right and title than respondent no.1.

7. The Appellant's right, if any, flows from her matrimonial relationship with Respondent No. 3. The husband admittedly resides separately and has initiated matrimonial proceedings. The statutory obligation to maintain the Appellant and minor child rests primarily upon the husband. Such derivative residence rights cannot extinguish or permanently curtail the statutory and proprietary protections granted to senior citizens under a special enactment. 8. The availability of alternate accommodation, particularly where the Respondents have expressed willingness to facilitate possession, demonstrates that the Appellant is not rendered homeless. The right under the DV Act is a right to secure residence, not necessarily a right to insist upon residence in a specific property belonging exclusively to in-laws.

9. The Court is mindful of the minor child's medical condition. Stability and continuity are important considerations. However, child welfare considerations cannot, in the present statutory framework, permanently negate the lawful rights of senior citizens. The obligation of arranging suitable accommodation conducive to the child's needs lies primarily with the parents.

10. The Impugned Order does not disclose indifference to welfare considerations; rather, it proceeds on the premise that alternate accommodation is available. The appellate court does not find perversity or non-application of mind warranting interference.”



14. Insofar as the factual findings are concerned, they are concurrent findings of two authorities. They do not suffer from any infirmity so as to warrant interference by this Court.

15. So far as the submissions made by learned counsel appearing for the petitioner with respect to her rights under the DV Act and the needs of the child are concerned, the Court finds that the Supreme Court in the case of **S. Vanitha** has held that rights of the daughter in law under the DV Act and those of the senior citizens under the Senior Citizens Act ought to be balanced.

“38. This Court is cognizant that the Senior Citizens Act, 2007 was promulgated with a view to provide a speedy and inexpensive remedy to senior citizens. Accordingly, Tribunals were constituted under Section 7. These Tribunals have the power to conduct summary procedures for inquiry, with all powers of the civil courts, under Section 8. The jurisdiction of the civil courts has been explicitly barred under Section 27 of the Senior Citizens Act, 2007. However, the overriding effect for remedies sought by the applicants under the Senior Citizens Act, 2007 under Section 3, cannot be interpreted to preclude all other competing remedies and protections that are sought to be conferred by the PWDV Act, 2005. The PWDV Act, 2005 is also in the nature of a special legislation, that is enacted with the purpose of correcting gender discrimination that pans out in the form of social and economic inequities in a largely patriarchal society. In deference to the dominant purpose of both the legislations, it would be appropriate for a tribunal under the Senior Citizens Act, 2007 to grant such remedies of maintenance, as envisaged under Section 2(b) of the Senior Citizens Act, 2007 that do not result in obviating competing remedies under other special statutes, such as the PWDV Act, 2005. Section 26 of the PWDV Act empowers certain reliefs, including relief for a residence order, to be obtained from any civil court in any legal proceedings. 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 the Senior Citizens Act, 2007. Section 3 of the Senior Citizens Act, 2007 cannot be deployed to



override and nullify other protections in law, particularly that of a woman's right to a "shared household" under Section 17 of the PWDV Act, 2005. In the event that the "aggrieved woman" obtains a relief from a tribunal constituted under the Senior Citizens Act, 2007, she shall be duty-bound to inform the Magistrate under the PWDV Act, 2005, as per sub-section (3) of Section 26 of the PWDV Act, 2005. This course of action would ensure that the common intent of the Senior Citizens Act, 2007 and the PWDV Act, 2005, of ensuring speedy relief to its protected groups who are both vulnerable members of the society, is effectively realised. Rights in law can translate to rights in life, only if there is an equitable ease in obtaining their realisation."

[Emphasis supplied]

16. So long as the senior citizens are ready to offer reasonable accommodation, there should not be any justification for insistence of continued occupation of their house by the petitioner who has been found to have meted ill treatment.

17. In the instant case, directing continued occupation of the property in question by both parties would be against the spirit of the provisions of the Senior Citizens Act. The competing rights of the senior citizens and the petitioner-daughter in law can be reasonably balanced, by ensuring that the petitioner gets adequate alternate accommodation.

18. The Court, thus, directs the senior citizens to continue to make payment of Rs.30,000/- as rental along with a further sum of Rs.5,000/- towards other maintenance expenses.

19. Let the respondent-senior citizens deposit the rent amount for six months directly to the bank account of the petitioner within one month from today.



20. Let the petitioner vacate the property in question within sixty days from the date of receipt of the advance rent amount.
21. After expiry of six months, respondents shall continue to make the payment of Rs. 35,000/- on or before the tenth day of each month directly to the petitioner's bank account.
22. If the respondents fail to make the payment, the petitioner shall be at liberty to get her possession restored in the property in question.
23. The respondents are restrained from creating third-party rights over the property in question, without the permission of the Court.
24. Petition stands disposed of.

APRIL 23, 2026/P

PURUSHAINDRA KUMAR KAURAV, J