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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: September 28th, 2026

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CNR No. DLHC010826622025

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W.P.(C) 16295/2025 & CM APPL. 66628/2025**JYOTI****.....Petitioner**

Through: Mr. Satosh Paul, Sr. Adv. With
Mr. Vedant Mishra, Ms. Aditi
Rai, Mr. Mohd. Owais & Mr.
Shivendu Sharma, Advs.
Mr. Amitesh Gaurav & Mr.
Vikas Kumar, Advs.

versus

**THE STATE NCT OF DELHI
AND ORS**

.....Respondents

Through: Mr. Sharad Bansal & Ms.
Ashmeet Kaur, Adv. for R2
Mr. Balvinder Ralhan &
Mr. Aditya Ralhan, Advs. for
R3

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present petition under Articles 226/227 of the Constitution of India assails the order dated 26.09.2025 passed by the learned Appellate Authority, Divisional Commissioner, whereby the appeal preferred by the Petitioner/Smt. Jyoti against the Order of eviction dated 03.03.2025 passed by the District Magistrate (West), came to be dismissed.

2. Succinctly stated, the petitioner/Smt. Jyoti got married to Respondent No. 3/Sh. Amit Kumar on 05.12.2021 and is the daughter-in-law of Respondent No.2/Smt. Sneha Lata Bhatia. She has been



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residing in the *property bearing No. D-7, Block-D, Hari Nagar, New Delhi*, (“**subject property/matrimonial house**”) along with her minor son/Master Aryaman (born out of the wedlock). It is alleged that her father-in-law, died intestate, on 05.12.2018. Allegedly, on 10.04.2019, the Respondent No. 3 and his brother, executed a registered Relinquishment Deed, relinquishing their respective shares with respect to the subject property, in favour of their mother i.e. Respondent No 2. Thereafter, the Respondent No. 2 filed an Eviction Petition against the Respondent No. 3 and Petitioner, and the Order of eviction was passed by the District Magistrate (West) on 03.03.2025.

3. The appeal filed by the Petitioner against the same, came to be dismissed *vide* the Impugned Order dated 26.09.2025 on the ground that *firstly*, both sons have already relinquished their rights in the property in favour of Respondent No. 2 and the Petitioner cannot claim any legal rights to reside in her in-laws residence; the right of residence, if any, under the Protection of Women from Domestic Violence Act, 2005 (“**DV Act**”) lies against her husband who is bound to provide alternative arrangement/residence; *secondly*, the eviction did not render her destitute as the husband is paying her maintenance under orders passed by competent courts; and *lastly*, the advanced age, illness i.e. Stage IV Cancer and acrimonious atmosphere discernible from the pending litigations between the parties makes eviction a proportionate measure to secure the Respondent No. 2’s Safety, dignity and right to peaceful living.

4. Aggrieved, the Petitioner has approached this Court.

5. The principal grievance of the Petitioner is that, while directing



her eviction, the authorities have proceeded essentially on the basis of the “*exclusive ownership*” claimed by Respondent No. 2 and the relinquishment said to have been executed by her sons, without adequately considering the Petitioner's asserted *right of residence* and the fact that the minor child is also residing in the premises. It has been urged that their *right of residence* could not have been defeated merely on the basis of a purported relinquishment deed executed by the husband and his brother, particularly when the validity and effect of the said document are disputed and the Petitioner has asserted that the property is an ancestral property/formed part of the estate of her deceased father-in-law.

6. *Per Contra*, the learned Counsel for the Respondents have essentially argued that the Petitioner cannot claim an absolute right to remain in the self-acquired/exclusive property of a senior citizen, particularly when her residence rights can be secured through suitable alternative accommodation, and that the writ petition deserves dismissal.

7. Having considered the rival submissions and the material placed on record, this Court is of the view that the impugned order cannot be sustained.

8. It is well-settled that the rights available to a senior citizen under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the right of residence claimed under the Domestic Violence Act, 2005, have to be harmoniously considered. The exercise cannot proceed on the assumption that one statutory right automatically eclipses the other. Right of a woman to secure a



residence order in respect of a *shared household* cannot be defeated by securing an order of eviction by adopting the summary procedure under the Senior Citizens Act, 2007. Reference in this regard may be made to the judgment passed by the Hon'ble Apex Court in **S. Vanitha v. Deputy Commissioner, Bengaluru Urban District, (2021) 15 SCC 730**, whereby it has been held as under: -

“37. The above extract indicates that a significant object of the legislation is to provide for and recognise the rights of women to secure housing and to recognise the right of a woman to reside in a matrimonial home or a shared household, whether or not she has any title or right in the shared household. 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 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 securing an order of eviction by adopting the summary procedure under the Senior Citizens Act, 2007.

39.Even otherwise, we are clearly of the view that recourse to the summary procedure contemplated by the Senior Citizens Act, 2007 was not available for the purpose of facilitating strategies that are designed to defeat the claim of the appellant in respect of a shared household. A shared household would have to be interpreted to include the residence where the appellant had been jointly residing with her husband. Merely because the ownership of the property has been subsequently transferred to her in-laws (second and third respondents) or that her estranged spouse (fourth respondent) is now residing separately, is no ground to deprive the appellant of the protection that was envisaged under the PWDV Act, 2005.”

(Emphasis supplied)

9. Recently, relying upon the above judgment, the hon'ble Division Bench of the Punjab and Haryana High Court, in judgment



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dated 07.09.2026 bearing **L.P.A. No. 2464/2026** titled **Anuradha Bansal v. District Magistrate and Ors.**, while dismissing the Letter Patent's Appeal filed by a mother-in-law seeking eviction of her daughter-in-law under the Senior Citizen's Act, opined that the object of the Act is to uphold the obligation of children and relatives to provide for senior citizens and the provisions of this statute should not be misused for adjudication of matrimonial disputes/property disputes or to evict an estranged daughter-in-law who otherwise possesses a right to reside therein.

10. In the present case, the petitioner has specifically asserted that the premises constituted her *shared household* and that she has been residing therein since her marriage. The record reveals that *vide* order dated 20.07.2021, the learned Mahila Court had restrained the in-laws of the Petitioner from dispossessing her or creating any third-party interests in the 1st floor of the subject property and it was recorded therein that "*it is an admitted position that the said property is the shared household of the petitioner*".

11. Subsequent thereto, the Order of eviction was passed by the learned District Magistrate on 03.03.2025.

12. Then, the Order dated 13.03.2025 was passed by the learned Mahila Court, whereby the effect of Order dated 20.07.2021 (granting protection from dispossession from 1st floor of the subject property) was vacated after noting that it has been observed in the Order of eviction dated 03.03.2025 that Respondent No. 2 is the absolute owner of the subject property and the CCTV/video dated 24.12.2024 demonstrates that Petitioner is creating a ruckus outside the subject



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property and thus, Mother-in-law and Brother-in-law of the Petitioner cannot be estopped from disposing the property.

13. Subsequent thereto, the Impugned Order dated 26.09.2025 was passed and *vide* Order dated 28.10.2025 this Court had stayed the effect of the Impugned Order and directed parties to maintain *status quo*.

14. On 13.07.2026, the application for modification of the Order dated 13.05.2025 was taken up and it was recorded therein that since *firstly*, the Petitioner is still residing at the subject property; *Secondly*, she is seeking right of residence in the property and not an alternate accommodation from her husband as of then; *Thirdly*, is a matter of record that Respondent No.2 is the exclusive owner of the subject property, however, the challenge to the ownership is still pending consideration before the Civil Courts; and *Fourthly*, the High Court is seized of the matter; thus, no order of modification and securing the right of residence can be passed as the same would render the proceedings before the High Court infructuous.

15. It is discernible from the conspectus of facts brought forth that till date no order has been passed securing the *right of residence* of the Petitioner. The learned Appellate Authority has principally proceeded on the basis of the alleged ownership of Respondent No.2, overlooking the specific assertions of the Petitioner that the document was executed as a strategy only to curtail the rights of the Petitioner owing to the ongoing matrimonial disputes between the parties and the ownership of the property is in dispute/pending consideration as the same is an ancestral property in which the minor son also has a right.



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16. Admittedly the parties are embroiled in matrimonial litigations, which as per the record placed before this Court, includes *inter alia* Civil Suit for Injunction/Declaration/Partition by minor son, Divorce Petition, Guardianship proceedings, DV proceedings, FIR No. 88/2021 under Section 498A/406/34 of the IPC etc.

17. In such context, though the existence of a Relinquishment Deed between the members of the family may undoubtedly have consequences in the appropriate civil proceedings, however, in the opinion of this Court, such a document, when its effect and validity are themselves disputed by the Petitioner and there is also a civil dispute pending, could not, have been treated as by itself conclusively determining or extinguishing the Petitioner's asserted statutory right of residence, that too when the residence of the minor child is also involved.

18. This Court is conscious that Respondent No. 2 is a senior citizen and that her right to live peacefully and with dignity in her property is required to be protected. At the same time, as discussed above, the protection available under the Senior Citizens Act cannot be used to deprive a daughter-in-law right of residence in a premises which she claims to have occupied as her matrimonial/shared household.

19. In the circumstances, the writ petition is allowed. The order dated 26.09.2025 passed by the learned Appellate Authority and the consequential eviction order dated 03.03.2025 passed by the District Magistrate (West) are set aside.

20. It clarified that this Court is not commenting upon or



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determining the title to the property in these proceedings, nor is this Court adjudicating upon the validity of the relinquishment deed. Those disputed questions, are to be determined in appropriate civil proceedings. All such questions, pertaining the title to the property, the validity or legal effect of the relinquishment deed, or the rights of the parties in the pending matrimonial, civil or proceedings under the DV Act are left open to be determined by the competent forum in accordance with law.

21. The petition stands disposed of in the above terms. Pending applications, if any, also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 28, 2026/ "ss"