



2026:DHC:4115



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

BEFORE

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

+ **W.P.(C) 12721/2023 and CM APPL. 25845/2026**

SMT RITU TANEJA

W/O LATE PANKAJ TANEJA

HOUSE NO. B-3/81, SAFDARJUNG

ENCLAVE, NEW DELHI - 110029

SH. KHUSHAAL TANEJA

S/O LATE PANKAJ TANEJA

HOUSE NO. B-3/81, SAFDARJUNG

ENCLAVE, NEW DELHI – 110029

.... PETITIONERS

(Through: Ms. Mouli Bhattacharjee, Advocate.)

Versus

GOVT. OF NCT OF DELHI

THROUGH ITS DIVISIONAL COMMISSIONER,

DEPARTMENT OF REVENUE,

5, SHAM NATH MARG, DELHI-110054

EMAIL: standingcounsellgnctd@gmail.com

MR. OM PRAKASH TANEJA

S/O LATE SHRI DATARAM TANEJA

HOUSE NO. B-3/81, SAFDARJUNG

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MRS. SAVITRI TANEJA

W/O MR. OM PRAKASH TANEJA

HOUSE NO. B-3/81, SAFDARJUNG

ENCLAVE, NEW DELHI - 110029

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.... RESPONDENTS



2026:DHC:4115



(Through: Ms Avni Singh, Panel Counsel-GNCTD with Mr Vaibhav Sharma, Advocate for R-1.
Ms. Archana Gaur, DHCLSC, Ms. Ridhima Gaur, Mr. Deepu Kumar, Advocates for R-2 and 3.)

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Reserved on: 28.04.2026**Pronounced on: 08.05.2026**

JUDGEMENT

The Petitioners are mother and son, respectively. Respondent Nos. 2 and 3 are the in-laws of Petitioner No.1.

2. The present petition has been instituted, challenging an order dated 28.08.2023 (hereinafter "**Impugned Common Order**") passed by the Divisional Commissioner in Appeal Nos. 504/2022 and 505/2022 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter "**Senior Citizens Act**"). By way of the Impugned Common Order, the Divisional Commissioner has allowed Appeal No. 504/2022 preferred by Respondent Nos. 2 and 3 and dismissed Appeal No. 505/2022 preferred by the Petitioners, thereby, directing the Petitioners to vacate and hand over peaceful possession of the entire property, including the ground floor shop, property bearing no. B-3/81, Safdarjung Enclave, New Delhi, (hereinafter "**Subject Property**") in favour of Respondent Nos. 2 and 3.

3. Petitioner No. 1 was married to Late Mr. Pankaj Taneja on 11.09.2000. After their marriage, Petitioner No. 1 shifted to the first floor of the Subject Property. Subsequently, Late Mr. Taneja started running a grocery store on the first portion of the ground floor i.e. (veranda at ground floor) of the Subject Property.



2026:DHC:4115



4. It is the case of the Petitioners that the business and assets of the family were being managed collectively and that certain assurances were extended by Respondent No. 2 with regard to the distribution of properties amongst his sons. It is further averred that a registered Will dated 29.01.2021 was executed by Respondent No. 2, purportedly conferring rights in favour of the children of Petitioner No. 1.

5. Following the demise of Late Sh. Pankaj Taneja on 18.02.2020, disputes arose between the Petitioners and Respondents (in-laws). Thereafter, Respondents (in-laws) filed a complaint dated 09.11.2020 before the District Magistrate, Senior Citizens Act read with Rule 22(3)(1) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (hereinafter "**Rules 2009**") framed thereunder, seeking eviction of the Petitioners from the Subject Property on account of ill treatment and non-maintenance.

6. Pursuant to the said complaint, an inquiry was conducted by the Sub-Divisional Magistrate and a report dated 08.12.2021 was submitted. *Vide* the said inquiry report, it was noted that the ownership of the Subject Property stood in the name of Respondent No. 2. Upon consideration of the material on record and the SDM's inquiry report, the Maintenance Tribunal held that while no conclusive finding of harassment or maintenance neglect was established, the interference by the Petitioners in the ground floor portion adversely affected the senior citizens' peaceful enjoyment of their property. Accordingly, the District Magistrate passed an order dated 12.04.2022, whereby, the complaint of the senior citizens' was partly allowed and the Petitioners were directed to vacate the ground floor portion of the Subject Property.

7. Aggrieved by the said order, both parties preferred appeals before the Divisional Commissioner. The Respondents (in-laws), in Appeal No. 504/2022,



2026:DHC:4115



contended that the relief granted by the Maintenance Tribunal (District Magistrate) was insufficient, and sought eviction of the Petitioners from the entire Subject Property, pressing that their right to reside peacefully could not be secured till the Petitioners continue to occupy any part of the premises. On the contrary, the Petitioners, in Appeal No. 505/2022, challenged the limited eviction directed by the Tribunal, reiterating their claim of a shared household, disputing allegations of ill-treatment, and asserting entitlement and claims over assets of the deceased husband.

8. Upon consideration of the rival appeals, the learned Divisional Commissioner held that the relationship between the parties had deteriorated to such an extent as to render their continued cohabitation wholly untenable. It was further observed that the grievances urged by the Petitioners, insofar as they related to property rights, financial entitlements, and claims over the estate of the deceased, were matters that fell outside the purview and ambit of the Senior Citizens Act, and could not be adjudicated upon within the limited framework of proceedings thereunder. Accordingly, the Divisional Commissioner passed the Impugned Common Order, culminating in the direction for eviction of the Petitioners from the entire premises and further directing Respondents (in-laws) to submit original documents of Khirki Extension property as soon as the Petitioners vacate the Subject Property. Aggrieved by the Impugned Common Order, the Petitioners have approached this Court for setting aside of the said Impugned Common Order.

Submissions

9. Ms. Mouli Bhattacharjee, learned counsel appearing on behalf of the Petitioners, has advanced the following submissions:



2026:DHC:4115



- a. After the demise of the Petitioner's husband, Late Sh. Pankaj Taneja, the Respondents (in-laws) have been making continuous efforts to evict the Petitioners from the Subject Property, which is asserted to be her shared household. It is submitted that the Respondents are financially well-off, and have multiple immovable properties, bank accounts, and financial investments. Despite their sound financial condition, they have allegedly failed to provide any financial support to the Petitioners.
- b. The properties owned by father-in-law have been acquired from ancestral business and the Petitioner's late husband had been contributing to the family business since his childhood and, therefore, had a legitimate share in such assets. Further, Respondent No. 2 and other family members have appropriated the benefits arising from Life Insurance Company (hereinafter '*LIC*') policies and other financial instruments standing in the name of the Petitioner's deceased husband. The Petitioner No.1 asserts that she and her children, being the lawful heirs, are entitled to a rightful share in such financial benefits.
- c. Furthermore, the Petitioner No.1 submits that far from neglecting the Respondents, she has been a conscientious and attentive daughter-in-law, having personally tended to and cared for Respondent No. 3, who is stated to be suffering from a mental illness. She categorically denies each and every allegation of ill-treatment, neglect, and misconduct levelled against her, and asserts that she has at all times conducted herself with dignity towards the Respondents. It is further the case of the Petitioners that Respondent No. 2 and 3 have, with a view to coercing and harassing the Petitioners and engineering grounds for their forcible eviction from the Subject Property,



2026:DHC:4115



filed multiple complaints before the police authorities, which are alleged to be false and frivolous.

10. *Per contra*, Ms. Archana Gaur learned counsel appearing on behalf of Respondent Nos. 2 and 3, submitted as under: -

a. Respondents (in-laws) are the absolute owners of the Subject Property, being their self-acquired property, and have been subjected to continuous harassment and ill-treatment at the hand of the Petitioners. It is submitted that the Respondents had cordial relations with his late son and that the discord in the family arose solely due to the conduct of the Petitioner No.1, who allegedly caused mental distress to the deceased during his lifetime, and whose actions also resulted in severe emotional trauma to Respondent No. 3 leading to strained family relations and eventual separate living arrangements within the Subject Property.

b. The Petitioner (daughter-in-law) is a MCD school Government teacher earning a substantial salary of more than 1 Lakh Rupees and is capable of maintaining herself and the Children. Further, all premiums in respect of insurance policies of Late Sh. Pankaj Taneja was paid by the Respondents (in-laws). Although the Petitioner has initiated civil proceedings claiming such benefits, the Respondent had expressed willingness to settle the matter subject to withdrawal of cases, which was not accepted by the Petitioner. It is contended that the shop constructed in the verandah of the ground floor obstructs air and sunlight, thereby, adversely affecting the living conditions of the senior citizens and rendering their residence unhealthy.

c. Furthermore, the Respondents (in-laws) had purchased a property at Khirki Extension in the name of their late son, and after his demise, the Petitioner took



2026:DHC:4115



possession of the same by breaking open the locks, no legal action was initiated by the Respondents in view of his intention to benefit his son's family. Furthermore, the Respondents (in-laws) have acted fairly by offering to hand over the original documents of the Khirki Extension property as well as two plots in Faridabad to the Petitioner, subject to her vacating the Subject Property.

11. I have heard learned counsels appearing for both the parties and have perused the record.

Analysis

12. Before proceeding to examine the facts of the present case, it would be apposite to delineate the legal framework governing the exercise of powers under the Senior Citizens Act, particularly in relation to eviction of children or legal heirs from property owned by senior citizens.

13. The object and purpose of the Senior Citizens Act is no longer *res integra*. The statute is a piece of beneficial and social welfare legislation, enacted with the avowed intent of ensuring that senior citizens are able to lead a life of dignity, security, and autonomy in the evening of their lives. The legislative scheme recognizes the increasing vulnerability of aged parents to neglect, abuse, and dispossession at the hands of their own children or relatives, and therefore provides for expeditious remedies, including eviction, to safeguard their life and property.

14. The Senior Citizens Act, read with the Rules framed in 2009, equips the District Magistrate and the Appellate Authority with sufficient jurisdiction to pass orders of eviction and such other directions as may be warranted in the facts and circumstances of a given case. This jurisdiction is ordinarily invoked where a senior citizen is found to have been subjected to neglect, ill-treatment, or denial of maintenance, or where their right to reside in and enjoy their property peacefully



2026:DHC:4115



stands threatened or obstructed. Importantly, the proceedings under the Act are designed to be summary in character, ensuring that senior citizens receive speedy and meaningful relief without being subjected to prolonged litigation.

15. It is well settled that proceedings under the Senior Citizens Act cannot be transmuted into a forum for the determination of intricate civil disputes pertaining to ownership, co-ownership, inheritance, or claims arising out of alleged ancestral property. Such issues fall squarely within the domain of competent civil Courts. The jurisdiction of the authorities under the Senior Citizens Act is circumscribed to the limited but significant objective of protecting senior citizens and ensuring that they are able to reside peacefully and securely in their own property without interference.

16. It is a settled and uncontested proposition of law that the authorities under the Senior Citizens Act are not equipped, nor indeed intended, to venture into the issues of complex civil disputes. Such matters demand careful examination of title, evidence, and competing legal rights, an exercise that must be undertaken before a competent civil Court.

17. The primary issue that arises for consideration before this Court is whether the Impugned Common Order directing eviction of the Petitioners from the entire Subject Property, in exercise of powers under the Senior Citizens Act, suffers from any illegality, perversity, or jurisdictional error warranting interference under Article 226/227 of the Constitution of India. At the outset, it is not in dispute that Respondent Nos. 2 and 3 are senior citizens and the recorded owners of the Subject Property. The Petitioners have not placed any material on record to dislodge or even *prima facie* impeach the ownership of Respondent no. 2 in proceedings of this summary nature.



2026:DHC:4115



18. The record further reveals that relations between the parties have become severely acrimonious. The existence of a hostile and embittered environment clearly indicates that the parties are unable to reside together under the same roof without constant friction. The material portion of the Impugned Common Order reads as under:

“13. From the arguments of both the sides and facts and circumstances of the case, this appellate authority has no doubt that the relations are acrimonious between them and they can't reside together under the same roof. There are police complaints as well. In fact, it is clearly evident from the submissions of Smt. Ritu Taneja that she and her child have a property dispute with senior citizen i.e Sh. Om Praksh Taneja. The case of Smt. Ritu Taneja revolves around the claim in LIC policies and properties purchased from the funds of the ancestral business.....

19. A perusal of the aforesaid material portion indicates that the Appellate Authority has undertaken a considered evaluation of the factual matrix and has arrived at a categorical finding that the relationship between the parties is deeply strained, rendering their continued cohabitation under the same roof wholly unworkable. It further emerges that the dispute between the parties is not confined to issues of maintenance or residence simpliciter, but is inextricably intertwined with claims relating to alleged entitlement in LIC policies and properties purportedly derived from ancestral business, which are matters falling beyond the limited scope of proceedings under the Senior Citizens Act.

20. The findings of the Appellate Authority also reflect that the claim set up by the Petitioners is essentially predicated upon assertions of proprietary or beneficial interest in the assets of the family, rather than any demonstrable right to resist eviction in proceedings of the present nature. The emphasis placed by the Petitioners on financial entitlements and property claims reinforces the conclusion that the dispute is, in substance, civil in character, and cannot be adjudicated within the summary jurisdiction contemplated under the Senior Citizens Act.



2026:DHC:4115



21. Insofar as the plea of “shared household” is concerned, the same has been defined in Section 2(s) of the Protection of Women from Domestic Violence Act, 2005 (hereinafter ‘**Domestic Violence Act**’). Section 2(s) of the Domestic Violence Act reads as under:

“2(s) “shared household” means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household;

22. A perusal of the same indicates that a "shared household" means a household where a person lives or at any stage has lived in a domestic relationship either singly or with others. The said expression includes a household whether owned or tenanted, either jointly or owned or tenanted singly.

23. The Supreme Court in the **S. Vanitha v. The Deputy Commissioner, Respondents Bengaluru Urban District & Ors.**¹ has held that the protection under the Domestic Violence Act cannot be overridden by simply invoking the provisions of the Senior Citizen Act through summary proceedings. The woman’s right to reside in a shared household must be balanced against the rights of the Senior Citizens to live in peace, especially when the household in question belongs to them. In situations where both the statutes overlap, a harmonious construction must be adopted, balancing the daughter in law's right to reside in a shared household against the senior citizen's right to a tranquil life. The Courts must ensure that neither right is obliterated, but instead coexists to the extent possible.

¹AIRONLINE 2020 SC 897



2026:DHC:4115



24. However, in the facts of the instant case, it is not a situation, wherein, the daughter-in-law is a destitute or vulnerable individual, or a victim of domestic violence requiring protection in the form of continued residence in the shared household. The material on record indicates that the Petitioner No. 1 is a gainfully employed Government teacher with a stable and independent source of income, and her children are also grown up. The dispute between the parties, as borne out from the pleadings and record, is not one arising out of economic deprivation or lack of shelter, but is primarily centered around competing claims relating to LIC policies and alleged rights in properties stated to have been derived from ancestral business. The material portion of the Impugned Common Order is extracted as under:

“13. From the arguments of both the sides and facts and circumstances of the case, this appellate authority has no doubt that the relations are acrimonious between them and they can't reside together under the same roof. There are police complaints as well. Infact it is clearly evident from the submissions of Smt. Ritu Taneja that she and her child have a property dispute with senior citizen i.e Sh. Om Praksh Taneja. The case of Smt. Ritu Taneja revolves around the claim in LIC policies and properties purchased from the funds of the ancestral business. It is not the situation where the daughter-in-law is a poor lady, victim of domestic violence and matrimonial discord. Herein this case she is a Government employee working as a teacher in a MCD School and her children are grown up too. It is also relevant to note that it is Smt. Ritu Taneja's own case that she along with her family started residing in the property in question with the permission of Sh. Om Parkash Taneja.”

25. Even assuming that the Subject Property in the instant case answers share household description within the meaning of the Domestic Violence Act, the Petitioners cannot assert an indefeasible right to continue in occupation of the very same premises in perpetuity. The right of residence is a protective right and not a proprietary one, and cannot be invoked to defeat the legitimate claim of senior citizens to secure peaceful enjoyment of their property. In circumstances where cohabitation has become wholly unworkable, the balance must tilt in favour of the



2026:DHC:4115



senior citizens, while leaving it open to the Petitioners to avail appropriate remedies, including alternate accommodation, in accordance with law.

26. The Supreme Court in the case of *Satish Chander Ahuja v. Sneha Ahuja*², authoritatively held that while a daughter-in-law has a statutory right of residence in a “shared household” under Sections 17 and 19 of the Domestic Violence Act, such right does not translate into any proprietary or ownership interest in the property belonging to the in-laws. The right of residence is a protective right, intended to secure shelter, and is subject to the balancing of competing rights, including the right of senior citizens to peacefully enjoy their property. It was further held that in appropriate cases, the Court may direct eviction of the daughter-in-law from the shared household, provided that suitable alternate accommodation or rent in lieu, thereof, is made available to her in terms of Section 19(1)(f) of the Domestic Violence Act.

27. Even otherwise, it is an admitted position by the petitioner that an alternative accommodation at Khirki Extension is in possession of the Petitioners, and that Respondent No. 2 has expressed willingness to hand over the documents of the same as well as other two plots in Faridabad, subject to vacation of the Subject Property. The same has been recorded in the Impugned Common Order and is extracted as under:

“16. Smt. Ritu Taneja admits that she is in possession of property in Khirki Extn. but submitted that documents of the property are in possession of Sh. Om Parkash Taneja. In rebuttal Sh. Om Prakash Taneja submitted that he is having documents as he purchased the said property but he has no difficulty in giving the same to Smt. Ritu Taneja subject to the condition that she shall vacate the property in question. On issue of distribution of properties raised by Smt. Ritu Taneja, Sh. Om Parkash Taneja further fairly offered to Smt. Ritu Taneja from his side the two plots in Faridabad. He stated that he is also ready to handover the original documents of the same to Smt. Ritu

²AIRONLINE 2020 SC 784



2026:DHC:4115



Taneja. Sh. Om Parkash Taneja submitted that he will deposit the original documents of Faridabad plots and property at Khirki Extn.in the office of this appellate authority which shall be handed over to Smt. Ritu Taneja after she vacates the property in question.

28. The contention advanced on behalf of the Petitioners that the assets of the family are traceable to ancestral business and that Late Sh. Pankaj Taneja had a subsisting share, therein, raises disputed questions of fact as well as law, including issues relating to the nature of the property, existence of any coparcenary or joint family arrangement, and the extent of alleged beneficial or proprietary rights. Such questions necessarily require detailed examination of evidence, including documentary proof, accounts, and possibly oral testimony, which cannot be satisfactorily undertaken within the summary framework of proceedings under the Senior Citizens Act, 2007. The jurisdiction under the said Act is neither intended nor equipped to adjudicate upon such claims and consequently, such pleas cannot constitute a legally sustainable defence to an eviction order sought for the protection of senior citizens' right to peaceful residence.

29. In a similar vein, the claim of the Petitioners with respect to entitlement to amounts under LIC policies and other financial instruments standing in the name of the deceased also travels beyond the permissible scope of inquiry under the Act. The determination of such rights would fall outside the jurisdiction of this Court under these proceedings, and therefore, cannot be permitted to impede or dilute the exercise of statutory powers by the authorities under the Senior Citizens Act.

30. In view of the aforesaid, this Court takes note of the fact that the Petitioners are not without recourse or means. Petitioner No. 1 is admittedly employed as a Government teacher and is financially independent. Further, an alternative property at Khirki Extension is in possession of the Petitioners, and Respondent No. 2 is willing to hand over documents of the same, along with two plots at Faridabad, subject to vacation of the Subject Property.



2026:DHC:4115



31. The scope of jurisdiction under Article 227 of the Constitution of India is limited. Unless the Impugned Order is shown to be vitiated by patent illegality, arbitrariness, or perversity, this Court would be slow to interfere with findings of fact recorded by the competent authority in the exercise of its statutory jurisdiction. Upon a careful perusal of the Impugned Common Order, this Court finds that the Appellate Authority has duly considered the material on record, the rival submissions of the parties, and the object and purpose of the statute, and has passed a reasoned order directing eviction of the Petitioners so as to secure the peaceful residence and dignity of the senior citizens.

32. In view of the aforementioned, this Court finds no infirmity in the Impugned Common Order warranting interference in exercise of its writ jurisdiction.

33. Let the Respondents (in-laws) to deposit papers of alternate accommodation as well as the Faridabad property before the Divisional Commissioner within thirty days from the date of receipt of the order. Let Petitioners to vacate the Subject Property within 45 days therefrom.

34. Neither party to create any third-party rights in the vacated Subject Property as well as the property being given to the Petitioner, without the permission of the competent Court.

35. Accordingly, with the aforesaid directions, the instant petition along with pending application, stands disposed of. No order as to costs.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MAY 08, 2026

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