IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1532 OF 2026

Mughda Sahal
Indian Citizen, Age 48 years,
Occu – Lawyer, Residing at B-16,
Clifton Birla Lane Corner,
Juhu, Mumbai – 400 049 ... Petitioner

versus

1. Senior Citizen Appellate Tribunal,
having official Address at,
Appellate Tribunal, Additional Collector,
Administrative Building, Government
Colony, Bandra (East), Mumbai – 400 051

2. Kiran Sanu,
Foreign National,
Age _____, Occu _____
Residing at 2/8-12, Welsley Street,
Telopea, Synney, NSW 2117 … Respondents

Mrs. Taubon F. Irani with Ms. Sushmita Sherigar i/by Ms. Sushmita Sherigar, for Petitioner.
Ms. Savina R. Crasto, AGP for State.
Ms. Manjula Rao, Sr.Advocate with Mr. Manmohan A. Amonkar, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

RESERVED ON : 27 FEBRUARY 2026
PRONOUNCED ON : 30 JUNE 2026

JUDGMENT :

1. Rule. Rule made returnable forthwith, and, with the consent of the learned Counsel for the parties, heard finally.

2. By this Petition under Article 227 of the Constitution of India, the Petitioner takes exception to a judgment and order dated 16 January 2026 passed by the Appellate Tribunal in Appeal No.96 of 2025, whereby the said Appeal preferred by the Respondent No.2 – senior citizen, against the judgment and order dated 31 October 2025 passed by the Maintenance Tribunal, under the Maintenance and Welfare of parents and Senior Citizens Act, 2007 (the Senior Citizens Act, 2007), came to be allowed, directing the Petitioner to vacate Flat No.B-16, Clifton Birla Lane Corner, Juhu, Mumbai (the subject flat), and deliver its vacant and peaceful possession to the Respondent No.2.

3. Shorn of superfluities, the background facts necessary for the determination of this Petition, can be stated as under :

3.1 On 9 December 2004, the marriage of the Petitioner was solemnized with Amit Sahu, son of Respondent No.2. The Petitioner and Amit have a daughter, out of the wedlock. Respondent No.2 and her husband, the Petitioner claimed, shifted to New Zealand. Respondent No.2 and her husband are the citizens of New Zealand. Presently, Respondent No.2 and her husband are residing in Australia, where the daughter of Respondent No.2 and sister in law of the Petitioner also resides. The daughter of Respondent No.2 is the citizen of Australia.

3.2 The Petitioner claimed, she has been residing in the subject flat as her

matrimonial home. The son of Respondent No.2 has subjected the Petitioner to grave mental and physical cruelty and harassment. Respondent No.2, her husband and daughter have encouraged and instigated Amit to harass and ill-treat the Petitioner. In the month of May 2024, the Petitioner instituted proceeding under the Protection of Women from Domestic Violence Act, 2005, against her husband, mother-in-law (R2), father-in-law and the sister in law. Thereupon, the husband of the Petitioner has voluntarily moved out of the subject flat and deliberately failed and neglected to make provision for the Petitioner and their daughter.

3.3 Respondent No.2, on her part, instituted proceeding before the Maintenance Tribunal seeking a direction to the Petitioner to vacate and handover peaceful possession of the subject flat. Respondent No.2 asserted that, she is an Indian Origin senior citizen, currently residing in Australia. Respondent No.2 has migrated to New Zealand along with her husband in May 2005. The subject flat has been purchased by the Respondent No.2 in the year 1987, out of her own earnings. Respondent No.2 had been residing in the subject flat since the year 1987 till they migrated to New Zealand. Since Amit had no accommodation, the Respondent No.2 had allowed Amit and the Petitioner to reside, use and occupy the subject flat.

3.4 The Petitioner has instituted a false and vexatious DV proceeding against Respondent No.2, her husband and daughter. Respondent No.2, her

husband and daughter have been unnecessarily dragged in the martial discord between the Petitioner and her husband. In the said DV proceeding, the Petitioner sought to restrain Respondent No.2, who is the absolute owner of the subject flat, from entering into her own flat. False and concocted allegations have been made in the DV proceeding and the application for protective orders with an oblique motive to usurp the Respondent No.2's flat. Respondent No.2 has decided to return to Mumbai and stay in the subject flat. In view of the turn of the events, it is impossible to reside in the subject flat along with the Petitioner.

3.5 Respondent No.2 further asserts, the Petitioner is a qualified Chartered Accountant, Company Secretary and Advocate and runs a firm M/s. Metasis Legal. The Petitioner has purchased Flat bearing No.1602, in Promonade the Address, Ghatkopar, Mumbai. The Petitioner has let out the said flat. The Petitioner has also taken another flat on rent at Juhu. Thus, the Petitioner would not suffer any hardship if the Petitioner is ordered to vacate the subject flat.

3.6 The Petitioner contested the application before the Maintenance Tribunal. At the outset, the jurisdiction of the Maintenance Tribunal to entertain, try and decide the application was questioned. It was contended that, since Respondent No.2 is not a citizen of India, she does not fall within the definition of 'Senior Citizen' within the meaning of Section 2(h) of the

Senior Citizens Act, 2007. Therefore, the provisions of the Senior Citizens Act, 2007 are not at all attracted. Other procedural deficiencies in the application were also highlighted.

3.7 On the merits of the matter, it was contended that the Respondent No.2 is primarily residing at Australia. Respondent No.2 does not require the subject flat. The application before the Maintenance Tribunal was filed with a design to evict the Petitioner and her minor daughter from the subject flat at the instance of the son of the Respondent No.2. It was also contended that the subject flat constitutes a shared household and the Petitioner being the daughter-in-law of Respondent No.2, is entitled to protection of her rights under the DV Act, 2005.

3.8 The Maintenance Tribunal, after appraisal of the material on record, was persuaded to partly allow the application and direct that the Respondent No.2 and her family members be not restrained from entering the subject flat and the Petitioner shall not commit any act which would impair the physical and mental health of Respondent No.2; her stature in the society and also disturb peace at Respondent No.2's home.

3.9 Being aggrieved by and dissatisfied with the rejection of the prayer to pass eviction order, Respondent No.2 preferred an appeal before the Appellate Tribunal under Section 16 of the Senior Citizens Act, 2007. By the impugned judgment and order, the Appellate Tribunal interfered with the order

passed by the Maintenance Tribunal. The Appellate Tribunal was of the view that, since the Respondent No.2 was the absolute owner of the subject flat and in view of the marital discord between the Petitioner and her husband and the proceedings instituted by the Petitioner against Respondent No.2, the relations between the Petitioner and Respondent No.2 were strained and it was impossible for the Respondent No.2 to reside in the subject flat together with the Petitioner. In the view of the Appellate Tribunal, Respondent No.2 – senior citizen, has a right to live a peaceful and dignified life in her own house. Holding thus, the Petitioner was directed to vacate the subject flat and deliver its possession to the Respondent No.2 by setting aside the order passed by the Maintenance Tribunal.

3.10 Being aggrieved, the Petitioner has preferred this Petition on multifarious grounds. It is, inter alia, contended that the impugned order is without jurisdiction and beyond the scope of the provisions of the Senior Citizens Act, 2007. In fact, Respondent No.2 had no locus to maintain an application before the Maintenance Tribunal as she is not the citizen of India, and thus, not covered by the definition of the Senior Citizen within the meaning of Section 2 of the Senior Citizens Act, 2007. The Appellate Tribunal did not appreciate the fact that the Respondent No.2 had not asserted that there was any neglect or harassment of Respondent No.2 at the hands of the Petitioner, and that the Respondent No.2 was not claiming any

maintenance. The necessity of the subject flat to the Respondent No.2 was also not properly ascertained, nor was the oblique motive behind filing the proceeding before the Maintenance tribunal was considered. The impugned order, according to the Petitioner, violates the Petitioner's right to occupy the subject flat as her shared household and deprives the Petitioner of the statutory protection granted under the DV Act, 2005.

3.11 An affidavit in reply is filed on behalf of Respondent No.2 controverting the contentions in the Petition.

4. In the light of the aforesaid facts and pleadings, I have heard Ms. Taubon Irani, learned Counsel for the Petitioner, and Ms. Manjula Rao, learned Senior Advocate for Respondent No.2, and Mrs. Crasto, learned AGP for the State, at some length. The learned Counsel took the Court through the material on record.

5. Ms. Irani, learned Counsel for the Petitioner, took a slew of exceptions to the impugned order. Firstly, the very maintainability of the application before the Maintenance Tribunal at the instance of the Respondent No.2 was assailed. Ms. Irani would urge, on the own showing of Respondent No.2, she is a citizen of New Zealand. Respondent No.2 is, thus, clearly out of the purview of the definition of Senior Citizen within the meaning of Section 2(h) of the Senior Citizens Act, 2007. Though, the Respondent No.2 claimed to be a Overseas Indian Card Holder (OCI card holder), yet, in view of the

Notification dated 4 March 2021 issued by the Ministry of Home Affairs, Government of India, Respondent No.2 is not entitled to claim any benefit under the Senior Citizens Act, 2007.

6. Ms. Irani further submitted that, in order to circumvent the bar of jurisdiction, Respondent No.2 has resorted to the fabrication of the record and has made false statements. Reliance was sought to be placed by Ms. Irani on the Notification dated 4 March 2021 issued by the Ministry of Home Affairs, to drive home the point that the OCI card holder is not entitled to claim the reliefs under the Senior Citizens Act, 2007. To this end, Ms. Irani placed a very strong reliance on the judgment of the Karnataka High Court in the case of **Dephny Gladys Lobo and Anr. V/s. Asstt. Commissioner of President, Senior Citizen Maintenance Tribunal and Anr.**[1]

7. Secondly, the Respondent No.2 has filed the application before the Maintenance Tribunal invoking Section 21 of the Senior Citizens Act, 2007, which does not envisage an order of eviction sought by the Respondent No.2.

8. Thirdly, the fact that the application was actuated by an oblique motive to somehow evict the Petitioner from her matrimonial home, becomes evident from the fact that the Respondent No.2 did not claim any maintenance. Absent a relief of maintenance, an application with a singular prayer of

1 WP No.6720 of 2016 dt. 22 March 2022

eviction simpliciter, is beyond the remit of jurisdiction of the Tribunal under the Senior Citizens Act, 2007. Such an application constitutes an abuse of the provisions of the Senior Citizens Act, 2007. A very strong reliance was placed by Ms. Irani on the judgments of this Court in the cases of **Jitendra Gorakh Megh v/s. Additional Collector and Anr.**[2], **Prakash Krishna Gamare and Anr. V/s. Krishna Ganpat Gamre and Anr.**[3] and a judgment of the Supreme Court in the case of **Samtola Devi V/s. State of Uttar Pradesh and Ors.**[4].

9. Fourthly, Ms. Irani submitted with a degree of vehemence, that the Petitioner is entitled to protect her right to occupy the shared household. The provisions contained in the Senior Citizens Act, 2007, cannot be permitted to be misused as a tool to evict a woman who has been subjected to domestic violence. A daughter in law, who is rendered in a state of neglect and destitution cannot be evicted by the device of the Senior Citizen approaching the Tribunal under the Senior Citizens Act, 2007, at the behest of the husband. The rights and dignity of a woman who is subjected to domestic violence deserve equal protection. To bolster up this submission, Ms. Irani placed reliance on the judgment of the Supreme Court in the case of **S. Vanitha v/s. Deputy Commissioner, and Ors.**[5] and the judgments of this Court in the case of **Ritika Prashant Jasani V/s. Anjana Niranjan Jasani**[6]

2 OSWP(L) No.31614 of 2025 dated 8 Dec. 2025
3 WP No.5932 of 2024 dt. 9 Feb. 2026
4 2025 INSC 404
5 (2021) 15 SCC 730
6 2021 SCC Online Bom 1802

and **Sanjivani Jayesh Seerani V/s. Kavita Shyam Seerani and Ors.**[7].

10. It was submitted that the Maintenance Tribunal had rightly followed the enunciation of law in the case of **S. Vanitha (supra)**, in balancing the rights of the Petitioner and Respondent No.2. However, the Appellate Tribunal was in gross error in setting aside the order of the Maintenance Tribunal by completely misconstruing the ratio of the judgment in the case of **S. Vanitha (supra)**.

11. Fifthly, it was further submitted that, the provisions contained in the Senior Citizens Act, 2007, cannot be invoked in a mechanical and indiscriminate manner to insidiously violate the rights of the persons who are in the lawful occupation of the premises. That is not the purpose of the provisions contained in the Senior Citizens Act, 2007. To this end, Ms. Irani placed reliance on the judgments in the cases of **Ranjana Rajkumar Makharia V/s. Mayadevi Subhkaran Makharia**[8] **Maheshwari Devi V/s. Government of NCT of Delhi and Ors.**[9] and **Vinod Sharma V/s. Smt. Shanvi Devi**[10].

12. Sixthly, Ms. Irani laid emphasis on the fact that the application before the Maintenance Tribunal was conspicuously silent about the neglect, cruelty or harassment at the hands of the Petitioner so as to warrant the eviction of

7 OSWP(L) No.28282 of 2023 dt. 18 March. 2024
8 2020(3) Mh.L.J. 587
9 WP(C) 11401 of 2021 dt. 19 Feb. 2024
10 SB Civil WP No.1936 of 2022 dt. 21 Febr. 2022

the Petitioner for the purpose of protection of the rights of the Respondent No.2. Thus, the entire proceeding before the Maintenance Tribunal becomes misconceived and unsustainable. The inconsistencies in the versions of Respondent No.2 about the necessity of the subject flat were also pressed into service to demonstrate that the requirement of the subject flat is a subterfuge to evict the Petitioner.

13. Lastly, Ms. Irani would urge, a small residential accommodation that the Petitioner has acquired at Ghatkopar to secure the future of her daughter, cannot be pressed into service to evict the Petitioner from her matrimonial home. The rental income from the said flat is used by the Petitioner to service the loan and sustain herself. Thus, Respondent No.2 cannot draw any mileage from the availability of the said alternate accommodation.

14. Ms. Manjula Rao, learned Senior Advocate for Respondent No.2, countered the submissions on behalf of the Petitioner with equal tenacity. It was submitted that, all sorts of defences were sought to be raised with a view to deprive the senior citizen of a peaceful and dignified life in her own premises. Ms. Rao would urge, the Petitioner may have her remedies against the husband, with whom their appears to be a marital discord. However, the very act of dragging the Respondent No.2, her husband and daughter, who ordinarily reside in Australia, betrays an intent to harass and humiliate the in-laws. In the backdrop of such false and motivated allegations against

Respondent No.2, it is impossible for the Respondent No.2 to reside in the subject flat along with the Petitioner. This backdrop of the dispute cannot be lost sight of, urged Ms. Rao.

15. Joining the issues point by point, Ms. Rao submitted that the technical objections sought to be raised to the tenability of the application on account of quoting an incorrect provision and the corrections in the application, etc., do not merit any consideration. It was urged that, it is well neigh settled that the nomenclature of the application or quoting a wrong provision therein is of no significance. Therefore, the fact that the application was preferred under Section 21 of the Senior Citizens Act, 2007 does not detract materially from the substantive prayers in the application.

16. Ms. Rao would urge that the objection to the jurisdiction of the Tribunal under the Senior Citizens Act, 2007, is also demonstrably misconceived. A two pronged submission was sought to be canvassed by Ms. Rao to meet the jurisdictional challenge. First, the Senior Citizens Act, 2007 is a protective measure not only for the senior citizens, but also the parents. Laying emphasis on the definition of “parent” under clause (d) of Section 2, Ms. Rao would urge, there is no requirement that a person who is a parent should be citizen of India. Second, even reliance on clause (h) of Section 2 which defines ‘Senior Citizens’ does not advance the cause of the submission to the extent desired by the Petitioner. The definition of Senior Citizen under

Section 2(h), according to Ms. Rao, is required to be interpreted in a meaningful manner so as to advance the object of the Senior Citizens Act, 2007.

17. Adverting to the provisions contained in Section 7B of the Citizenship Act, 1955, which confers rights on OCI Cardholder and the Notification dated 4 March 2021, issued by the Central Government, Ms. Rao strenuously submitted that, there is no prohibition for an overseas citizen of India like the Petitioner to approach the Tribunals under the Senior Citizens Act, 2007 for protection of her property.

18. Ms. Rao further submitted that the decision of the Karnataka High Court in the case of **Dephny Gladys Lobo and Anr. (supra),** is of no assistance to the Petitioner as the issue has not been adequately examined in the said case with reference to the provisions of the Citizenship Act, 1955 and the Notification dated 4 March 2021 issued thereunder. Ms. Rao placed reliance on the judgment of the Punjab and Haryana High Court in the case of **Hamina Kang V/s. District Magistrate (U.T.), Chandigarh and Ors**[11]; and the Madras High Court in the case of **Namassivayane V/s. The District Collector and Ors.**[12] to lend support to the submission that the OCI card holder like Respondent No.2 is entitled to seek redressal from the Courts in India. Ms. Rao submitted that the claim of the Petitioenr that she is entitled to

11 CWP No.18009 of 2015 dated 25 Jan. 2016
12 WP No.26238 of 2019 dated 13 Sept. 2022

occupy the subject flat as shared household and her matrimonial home, is clearly untenable. It is indubitable that the Respondent No.2 is the sole and absolute owner of the subject flat. The husband of the Petitioner has no right, title and interest therein. Thus, the Petitioner cannot assert any right of whatsoever nature over the subject flat.

19. Ms. Rao would urge, reliance on the decision in the case of **S. Vanitha (supra)**, and the line of decisions which followed the ratio in the case of **S. Vanitha (supra)**, is wholly misplaced. The principle enunciated in the aforesaid decisions, has no application to the facts of the case at hand, as the Respondent No.2 is the absolute owner of the subject flat, and, thus, it can never be termed as a shared household. The daughter-in-law who is at loggerheads with her husband, cannot be permitted to hold on to the property of her mother-in-law – a senior citizen.

20. To buttress these submissions, Ms. Rao placed reliance on the decisions of the Supreme Court in the case of **Satish Chander Ahuja V/s. Sneha Ahuja**[13]; of the Kerala High Court in the case of **Anila and Ors. V/s. Maintenance Tribunal and Anr.**[14]; of the Delhi High Court in the case of **Manju Arora V/s. Neela Arora**[15]**;** of the Madhya Pradesh High Court in the case of **Ganesh and Anr. V/s. Indu Bai and anr.**[16] and of this Court in the

13 AIR 2020 SC 5397
14 WP(C) No.22270 of 2021 dated 16 July 2025
15 Del HC RFA (OS) 64 of 2025 dt.13 Oct. 2025
16 Misc. Petition No.2679 of 2020 dt. 10 Feb. 2021

case of **Chandiram Anandram Hemnani and Anr. v/s. Senior Citizens Appellate Tribunal and Ors.**[17]

21. Ms. Rao assiduously urged that the submissions on behalf of the Petitioner that, it is obligatory to claim maintenance from the child or relative to sustain an action for eviction from the property of the Senior Citizen was plainly untenable. It was submitted that the protection of life and property of the senior citizen / parent is the avowed object of the Senior Citizens Act, 2007. In a case like the one at hand, a senior citizen cannot be deprived of the protection granted by the Senior Citizens Act, 2007, especially when the definition of maintenance covers in its fold the right of residence. Ms. Rao would urge, the definition of maintenance under the Senior Citizens Act, 2007, must receive such an interpretation as would promote the object of the Senior Citizens Act, 2007.

22. Lastly, Ms. Rao submitted that the hard facts of the case deserve to be kept in view. Respondent No.2 is indisputably an absolute owner of the subject flat. False and malicious allegations are made against Respondent No.2 in the DV proceeding. The Petitioner is a qualified professional and has her own properties, apart from the subject flat. In this backdrop, can Respondent No.2 be deprived of the right to live a peaceful and dignified life in her own home, is the moot question and the answer must be a firm “no”,

17 WP No.7794 of 2020 dt. 18 June 2025

submitted Ms. Rao.

23. In the backdrop of the aforesaid facts and the rival contentions which are noted, in a little detail, on purpose, the following questions wrench to the fore :

(i) Is a person who is not a citizen of India, like Respondent No.2 (who is a citizen of New Zealand) entitled to invoke remedies under the Senior Citizens Act, 2007 ?

(ii) Whether the application for eviction of the children / relatives simpliciter sans a prayer for the award of maintenance from the premises belonging to the senior citizen is maintainable under the provisions of the Senior Citizens Act, 2007 ?

(iii) Whether, the Petitioner is entitled to protect her possession over the subject flat owned by Respondent No.2, in the capacity of latter's daughter-in-law, as a shared household ?

24. Before adverting to explore answers to the aforesaid questions, reference to the few provisions of the Senior Citizens Act, 2007 and the legislative object behind its enactment would be indispensable.

25. To begin with, the definition clause. Under Section 2(h), "Senior Citizen" means any person being a citizen of India, who has attained the age of sixty years or above. Under clause 2(d), "parent" means father or mother whether biological, adoptive or step father or step mother, as the case may

be, whether or not the father or the mother is a senior citizen. The contrast between two expressions is explicitly clear. To get the benefit of the ameliorative provisions of the Senior Citizens Act, 2007, a person who is a “parent” need not to be a “senior citizen”. Meaning thereby, she need not have attained the age of 60 years, nor is it obligatory that she should be citizen of India. A parent is entitled to the protection under the Senior Citizens Act, 2007, *de hors* her age, and citizenship status.

26. Clause (a) of Section 2 defines “children” to include son, daughter, grandson and grand-daughter but does not include a minor. Clause (g) defines “relative” to mean any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death. Clause (f) of Section 2 defines “property” means property of any kind, whether movable or immovable, ancestral or self-acquired, tangible or intangible and includes rights or interests in such property.

27. The Senior Citizens Act, 2007, primarily and predominantly deals with the maintenance and welfare of the parents and senior citizens. ‘Maintenance’ is defined under clause (b), as under :

> “(b) “maintenance” includes provision for food, clothing, residence and medical attendance and treatment;”

“Welfare” is defined under clause (k), as under :

> “(k) “welfare” means provision for food, health care,

> recretion centres and other amenities necessary for the senior citizens;"

28. Chapter II of the Senior Citizens Act, 2007 subsumes provisions under the caption "Maintenance of Parents and Senior Citizens". Under Section 4, a senior citizen, including parent, who is unable to maintain himself from his own earning or out of the property owned by him, is entitled to make an application under section 5, in case of (i) parent or grand-parent, against one or more of his children not being a minor; (ii) a childless senior citizen, against such of his relative referred to in clause (g) of section 2. Sub-sections (2) and (3) of Section 4 describes the nature of the obligation of the children or relative to maintain a senior citizen or parent by emphasizing that the obligation extends to the needs of such senior citizen / parent, so that he can lead a normal life.

29. Section 5 of the Senior Citizens Act, 2007 contains provisions in regard to the application for maintenance. Section 6 provides for the jurisdiction and procedure to determine such application. The constitution of the Maintenance Tribunal is provided for under Section 7. Under Section 8, the Tribunal, subject to the rules that may be prescribed by the State Government, may follow such summary procedure as it may deem fit. Under Section 9, the Tribunal is empowered to award maintenance at such monthly rate, as the Tribunal may deem fit, subject to the maximum maintenance allowance as

may be prescribed by the State Government, which shall not exceed Rs.10,000/- per month. Under Section 12, an option is given to the senior citizen to seek maintenance under the Act, 2007 or Chapter IX of the Code of Criminal Procedure, 1973. The senior citizen may claim such maintenance under either the Senior Citizens Act, 2007 or Code of Criminal Procedure, 1973, but not under both. Section 15 provides for constitution of Appellate Tribunal. Appeals are provided under Section 16 before the Appellate Tribunal.

30. Chapter III deals with the establishment of old age homes. Provisions for medical care of senior citizens are envisaged in Chapter IV. Chapter V is dedicated towards the protection of life and property of senior citizens. Section 23, in particular, empowers the Tribunal to declare the transfer of property by way of gift or otherwise, made by the senior citizen, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor, void if such transferee refuses or fails to provide such amenities and physical needs. Section 27 of the Act, 2007 bars the jurisdiction of the civil court in respect of any matters to which any provisions of the said Act apply. Section 3 gives overriding effect to the provisions of Act, 2007 over the provisions of any other enactment or instrument.

31. At this juncture, the ‘Statement of Objects and Reasons’ of the Senior

Citizens Act, 2007, deserves to be noted. It reads as under :

> **“Statement of Objects and Reasons”**
> Traditional norms and values of the Indian society laid stress on providing care for the elderly. However, due to withering of the joint family system, a large number of elderly are not being looked after by their family. Consequently, many older persons, particularly widowed women are now forced to spend their twilight years all alone and are exposed to emotional neglect and to lack of physical and financial support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection fo the older persons. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive. Hence, there is need to have simple, inexpensive and speedy provisions to claim maintenance for parents.”

32. A conjoint reading of the provisions contained in the Act, 2007 as a whole, in the light of the Statement of Objects and Reasons, makes the intent of the Legislature explicitly clear. The Parliament intended to address the alarming situation caused by the neglect and harassment of the parents and senior citizens in the evening of their life. Senior Citizens were found to be deserted and deprived of the basic physical necessities, medical care and amenities which are required the most in the advanced age. Many elderly persons, particularly widowed women, were found to have been forced to

spend their twilight years all alone, and were exposed to emotional neglect and want of physical and financial support. This mischief was sought to be addressed by the Parliament by providing a simple, inexpensive and speedy mechanism to claim maintenance and also by making provisions for the institutionalized care of the senior citizens in old age homes, medical support and, most importantly, the protection of life and property of the senior citizens. The Statement of Objects and Reasons specifically records that, though under the provisions of the Code, 1973, parents can claim maintenance, the procedure was both time consuming as well as expensive.

33. The capacious breadth of the provisions of the Act, 2007 leaves no manner of doubt that it is a beneficial legislation, enacted to advance the object of care and protection of the senior citizens. Thus, while interpreting the provisions of the Senior Citizens Act, 2007, it is imperative to adopt tools of interpretation which are required to be applied when interpreting a beneficial piece of legislation. The cardinal principle is that the beneficial legislation must receive liberal construction in consonance with the objectives such legislation seeks to achieve. The interpretative process must be attuned to the purposive construction informed by the legislative object. In a given case, if two views are plausible, the Court must lean in favour of an interpretation which favours the beneficiaries rather than one which stultifies object of the beneficial legislation.

34. A profitable reference, in this context, can be made to the decision of the Supreme Court in the case of **K.H.Nazar V/s. Mathew K. Jacob**[18], wherein the Supreme Court exposited the approach to the interpretation of a beneficial legislation, as under :

> "11. Provisions of a beneficial legislation have to be construed with a purpose-oriented approach. The act should receive a liberal construction to promote its objects. Also, literal construction of the provisions of a beneficial legislation has to be avoided. It is the court's duty to discern the intention of the legislature in making the law. Once such an intention is ascertained, the statute should receive a purposeful or functional interpretation.
>
> ……
>
> 13. While interpreting a statute, the problem or mischief that the statute was designed to remedy should first be identified, and then a construction that suppresses the problem and advances the remedy should be adopted. It is settled law that exemption clauses in beneficial or social welfare legislations should be given strict construction. It was observed in **Shivram A. Shiroor V. Radhabai Shantaram Kowshik**[19] that the exclusionary provisions in a beneficial legislation should be construed strictly so as to give a wide amplitude to the principal object of the legislation and to prevent its evasion on deceptive grounds. Similarly, in **Minister Administering the Crown Lands Act V/s. NSW Abaroginal Land Council**[20], Kirby, J. held that

18 (2020) 14 SCC 126
19 (1984) 1 SCC 588
20 (2008) 237 CLR 285

> the principle of providing purposive construction to beneficial legislations mandates that exceptions in such legislations should be construed narrowly." (emphasis supplied)

35. Keeping in view the aforesaid beneficial intent of the statute, the questions for consideration framed above, deserve to be approached.

Question No.1 – Applicability of the provisions of the Senior Citizens Act, 2007 to an overseas citizen of India ?

36. Clause (ee) of Section 2(1) of the Citizenship Act, 1955, defines the "Overseas Citizen of India Cardholder" means a person registered as an Overseas Citizen of India Cardholder by the Central Government under section 7A. Under Section 7A, the Central Government may register as Overseas Citizen of India Cardholder any person of full age and capacity, inter alia, who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution. Section 7B of the Act, 1955 deals with the conferment of rights on Overseas Citizen of India Cardholder. It reads as under :

> **"7B. Conferment of rights on Overseas Citizen of India Cardholder**
>
> (1) Notwithstanding anything contained in any other law for the time being in force, an Overseas Citizen of India Cardholder shall be entitled to such rights, other than the rights specified under sub-section (2), as the Central Government may, by notification in the Official Gazette,

specify in this behalf.

(2) An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India-

(a) under article 16 of the Constitution with regard to the equality of opportunity in matters of public employment;

(b) under article 58 of the Constitution for election as President;

(c) under Article 66 of the Constitution for election as Vice-President;

(d) under Article 124 of the Constitution for appointment as a Judge of the Supreme Court;

(e) under Article 217 of the Constitution for appointment as a Judge of the High Court;

(f) under section 16 of the Representation of the People Act, 1950 (43 of 1950) in regard to registration as a voter;

(g) under Sections 3 and 4 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;

(h) under Sections 5, 5A and section 6 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the Legislative Assembly or the Legislative Council, as the case may be, of a State;

(i) for appointment to public services and posts in connection with affairs of the Union or of any State except for appointment in such services and posts as the Central Government may, by special order in that behalf, specify."

37. A plain reading of Section 7B indicates that the Overseas Citizen of India Cardholder shall not be entitled to the rights which are specifically excluded by clauses (a) to (i) of sub-section (2). Under sub-section (1) of Section 7B, which begins with a non-obstante clause, the Central Government is empowered to confer such rights as it may specify on an Overseas Citizen of India Cardholder by Notification in the Official Gazette, other than the rights which are specifically excluded in sub-section (2). In the exercise of the aforesaid power under sub-section (1) of section 7B, the Central Government has issued a Notification dated 4 March 2021, specifying the following rights to which the OCI cardholder shall be entitled to :

> "(1) grant of multiple entry lifelong visa for visiting India for any purpose :
>
> …….
>
> (2) exemption from registration with the Foreigners Regional Registration Officer or Foreigners Registration Officer for any length of stay in India :
>
> Provided that the OCI cardholders who are normally resident in India shall intimate the jurisdictional Foreigners Regional Registration Officer or the Foreigners Registration Officer by email whenever there is a change in permanent residential address and in their occupation;
>
> (3) parity with Indian nationals in the matter of, -
>
> (i) tariffs in air fares in domestic sectors in India; and
>
> (ii) entry fees to be charged for visiting national parks, wildlife sanctuaries, the national monuments, historical sites and museums in India;

(4) parity with non-Resident Indians in the matter of, -

(i) inter-country adoption of Indian children subject to the compliance of the procedure as laid down by the competent authority for such adoption;

(ii) appearing for the all India entrance tests such as National Eligibility cum Entrance Test, Joint Entrance Examination (Mains), Joint Entrance Examination (Advanced) or such other tests to make them eligible for admission only against any non-Resident Indian seat or any supernumerary seat;

(iii) purchase or sale of immovable properties other than agricultural land or farm house, or plantation property; and

(iv) pursuing the following professions in India as per the provisions contained in the applicable relevant statutes or Acts as the case may be, namely :-

(a) doctors, dentists, nurses and pharmacists;

(b) advocates;

(c) architects;

(d) chartered accountants;

(5) in respect of all other economic, financial and educational fields not specified in this notification or the rights and privileges not covered by the notifications made by the Reserve Bank of India under the Foreign Exchange Management Act, 1999 (42 of 1999), the OCI cardholder shall have the same rights and privileges as a foreigner.

Explanation. - For the purposes of this notification -

(1) The OCI cardholder (including a PIO cardholder) is a foreign national holding passport of a foreign country and is not a citizen of India.

(2) “Non-Resident Indian” shall have the same meaning

> as assigned to it in the Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations, 2018 made by the Reserve Bank of India under the Foreign Exchange Management Act, 1999 (42 of 1999) and also fulfils the “Non-Resident Indian” status as per the Income Tax Act, 1961 (43 of 1961).”

38. The thrust of the submission of Ms. Irani was that the Notification dated 4 March 2021 does not specifically include the right to avail the benefits under the Senior Citizens Act, 2007. In the absence of specific conferment of the right to invoke the remedies under the Senior Citizens Act, 2007, the application is not maintainable.

39. In my view, the broad submission sought to be canvassed by Ms. Irani cannot be acceded to unreservedly. Under the scheme of the Citizenship Act, 1955, the Parliament has declared certain rights which are out of the bounds of the persons who are OCI cardholders, even if they were the citizens of India, in the past. Those rights are explicitly specified in sub-section (2) of section 7B. In other matters, the Central Government is empowered to specify the rights to which OCI cardholders may be entitled to, by notification in the Official gazette. The Notification dated 4 March 2021 is, thus, required to be read through this prism.

40. By virtue of clause 4, the OCI cardholders are entitled to parity with non-Resident Indians in the matters specified therein, including the purchase

or sale of immovable properties, other than the agricultural land or farm house or plantation property. Thus, there are no restrictions on the OCI cardholders to acquire, hold, occupy and sale the immovable property in India. A mere right to acquire and hold the property without recourse to the Courts / Tribunals in the event of infraction of the rights in relation to such property would render the right to acquire and hold the property illusory.

41. It would be contextually relevant to note that the right to property under Article 300A is not confined to the citizens. The right to property under Article 300A is available to all persons. It declares, no person shall be deprived of his property save by authority of law.

42. Thus, the provisions contained in the Senior Citizens Act, 2007, are required to be construed keeping in view not only its beneficial nature, but also being alive to the pristine principle that where there is a right there is a remedy. A senior Citizen who is of Indian origin and has acquired the property while she was s citizen of India cannot be deprived of the swift and inexpensive remedy provided under the Senior Citizens Act, 2007, if there is a violation of her right to property if her case is otherwise covered by the provisions of the Senior Citizens Act, 2007.

43. In the light of the aforesaid legal conspectus, reference to the judgments pressed into service on behalf of the parties becomes necessary. In the case of **Dephny Gladys Lobo and Anr. (supra),** the learned Single

Judge of the Karnataka High Court has merely referred to the fact that the Respondent No.2 therein, was not an Indian citizen, and after noting the definition of Senior Citizen under Section 2(h), extracted above, ruled that the Maintenance Tribunal had no jurisdiction to initiate proceedings under the Senior Citizens Act, 2007.

44. The submission of Ms. Rao that the order in the case of **Dephny Gladys Lobo and Anr. (supra)**, does not deal with the point adequately, appears to carry substance. Neither the object of the Senior Citizens Act, 2007 nor the implications of the provisions in the Citizenship Act, 1955, and the Notification issued by the Central Government thereunder, were adverted to. Thus, the judgment in the case of **Dephny Gladys Lobo and Anr.** (supra), may not command even persuasive precedential value.

45. In the case of **Hamina Kang (supra),** the controversy arose in the backdrop of the facts, which by and large resemble the facts of the case at hand. The Petitioner therein was the daughter-in-law of Respondent Nos.2 and 3, who had initiated proceeding under the DV Act, 2005. Respondent Nos.2 and 3 were the US citizens. Dealing with the contention on behalf of the Petitioner that the Respondent Nos.2 and 3 therein cannot invoke the provisions of the Senior Citizens Act, 2007, as they were US citizens, the learned Single Judge after adverting to the object of the Senior Citizens Act, 2007, enunciated that, there was no requirement for the parent to be a citizen

of India. Since the requirement of being a citizen of India is only a part of the definition of a senior citizen, a father or mother, whatever his or her nationality, would be a ‘parent’. Thus, a person who is a parent would be entitled to the benefits of the Act, which are conferred on parents, irrespective of his or her age or nationality. The learned Single Judge, thereafter, with reference to the provisions contained in Sections 21 and 22 of the Senior Citizens Act, 2007 and 2009 Rules framed thereunder, and observed as under :

> “Clearly an application for protection and eviction by respondent Nos.2 and 3, the old and aged parents (79 and 75 years respectively) from their property even though they are not citizens of India, is maintainable.
>
> The respondents are not natives of US. They were Indian Citizens by birth. They have had their education from India, getting the Engineering and MBBS degree respectively from Punjab Engineering College, Chandigarh and Government Medical College, Amritsar. Respondent No.2 served the Indian Army for ten years from 1959 to 1969 and went to USA after getting discharge from the Army. It is thereafter that they acquired US citizenship. Having retired from their jobs, they now want to settle in India. They are presently registered as ‘Overseas Citizens of India’. They cannot be denied the benefit of the 2007 Act.
>
> It is noteworthy that there is no challenge to the 2009 Rules which are in harmony with the objective and purpose of the 2007 Act which is to provide a simple, inexpensive and speedy remedy for maintenance and welfare of parents and the elderly and for protection of their life and property. This is reflected in

> the Statement of Objects and Reasons of the Act, which is reproduced below :
>
> …….
>
> Keeping in view the aforesaid objectives, it is inconceivable that the Parliament could have intended to deny the benefits of Chapter V of the Act to the aged parents, merely because they were not citizens of India. Anyway, as already stated above, a plain reading of the 2009 Rules does not support such a contention."

46. In the case of **Namassivayane (supra),** a learned Single Judge of the Madras High Court, was confronted with a situation where the applicant before the Maintenance Tribunal was a French national holding a lifetime visa, who sought protection under the Process Verbal, in respect of the property at Pudduchhery. The learned Single Judge after extracting the provisions of the Citizenship Act, 1955 and the Statements of Object and Reasons of the Senior Citizens Act, 2007, enunciated the legal position, as under :

> "40. A reading of Section 7B of the Citizenship Act with Notification dated 04.03.2021 makes it clear to me that the benefits of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 have not been expressly extended to overseas OCI Card Holders, who are non-citizens, equated to foreigners.
>
> 41. However, this is a unique matter, the understanding of which cannot rest merely upon a singular enactment, the Citizenship Act, and related Notifications. The issue to be decided, will have to be

set, seen and decided in the context of the Welfare Act specifically, and in the background of the objects and reasons for which that Legislation was enacted.

……..

44. Thus, while a senior citizen is defined as any person who has attained the age of 60 years or above, who is a citizen of India, the definition of 'parent' is far wider and encompasses a mother and father, in all the hues and colours that those terms may assume, whether or not the mother and father are senior citizens.

45. The petitioner is admittedly born in, and resident in Puducherry apart from being entitled to the benefits assured under the Agreed Process-Verbal. His status as a parent is unquestioned. The Division Bench of this Court in D.Gobalousamy's case (supra) has also specifically, and in conclusion, reiterated the spirit in which the Agreed Process-Verbal is to be understood and applied. I am thus unable to accept the limited interpretation and application of the Welfare Act as urged by the respondents and reject the same.

……..

49. In conclusion, I make reference to a decision of a learned single Judge of the Punjab and Haryana High Court, who has taken the same view as I have in this Writ Petition in the context of an Overseas Card Holder, a US citizen, in Hamina Kang V. District Magistrate (U.T.), (supra). The learned single Judge was faced with a similar argument by the petitioner therein that the benefit of the Welfare Act is not available to a

> citizen of the United States who does not satisfy the definition of a ‘senior citizen’ under the Welfare Act, and has proceeded to decide the issue in favour of the respondent, her father-in-law.
>
> 50. The petitioner, who was aggrieved on this score, had filed an appeal before the Division Bench of the Punjab and Haryana High Court and by order dated 26.05.2017 in LPA No.291 of 2016 (O&M), the same has been dismissed as withdrawn.
>
> 51. It is trite to state that once a particular interpretation of a Central Act has been accepted by the authorities in one State/UT, such an interpretation must be, in the interests of uniformity and consistency, be applicable throughout the Country.”

47. The Madras High Court has, thus, followed with approval the decision in the case of **Hamina Kang (supra).** Another principle which the Madras High Court has followed and which course commends to this Court as well is that of uniformity and consistency in the interpretation of the Central Act where one High Court interprets the provision in a particular manner.

48. The upshot of aforesaid consideration is that, in the facts of the case at hand, as the Respondent No.2 was a citizen of India, she has acquired the subject flat while she was citizen of India, and she is entitled to acquire and hold the property in India as a non-resident Indian, the object of the Senior Citizens Act, 2007 would be better subserved by adopting an approach which leans in favour of the protection and welfare of the parents and senior

citizens. Thus, I am impelled to hold that an OCI cardholder is entitled to invoke the remedies under the Senior Citizens Act, 2007, if other conditions are satisfied. Question No.1 is answered accordingly.

Question No. 2:

The maintainability of an application for eviction of the child/relative simpliciter sans a prayer for the award of maintenance :

49. The fulcrum of the submissions of Ms. Irani was that respondent No. 2 has not claimed maintenance as respondent No. 2 could not have claimed maintenance on account of the affluence she is endowed with. Sans a prayer for maintenance, an application for eviction of a daughter-in-law can only be said to be a devious design to evict the daughter-in-law. Since respondent No. 2 has children, even otherwise the claim for maintenance against the petitioner would not have been tenable. Support to the aforesaid submission was sought to be drawn primarily from the judgment of the Division Bench in the case of **Jitendra Megh (supra)**.

50. In the case of **Jitendra Megh (supra)**, the Division Bench of this Court considered the following question:

> "Whether an eviction order can be passed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 without any claim towards maintenance being made by the senior citizen ?

51. After adverting to the facts of the case, the Statement of Objects and Reasons, key provisions of the Senior Citizens Act, 2007 and the judicial precedents, including the judgment of the Supreme Court in the case of **Smt. S. Vanitha (supra)** and judgments of this Court in the cases of **Ranjana Rajkumar Makharia V/s. Mayadevi Subhkaran Makharia**[21], **Ritika Prashant Jasani V/s. Anjana Niranjan Jasani**[22] and **Shweta Shetty V/s. State of Maharashtra and Ors.**[23], the Division Bench enunciated, inter alia, as under :

> "20. Section 4 of the Act contains provisions dealing with the maintenance of parents and senior citizens. It prescribes that a senior citizen who is unable to maintain himself from his own earnings or from property owned by him, is entitled to make an application for maintenance under Section 5 of the Act. The said section further prescribes that the obligation of children to maintain the senior citizen extends to the needs of such senior citizen so that he may lead a normal life. Section 5 contains provisions relating to the application which the senior citizen can make for maintenance. Sub-section (2) enables the Tribunal to order monthly allowance to be paid to the senior citizen towards interim maintenance. In these circumstances, when the senior citizen has made no claim for maintenance, we fail to see how the said application which has been filed by the senior citizen under section 5(2) of the Act, is maintainable, in the first place. This position appears to have been completely overlooked, both in the eviction order and also in

21 2020(3) Mh.L.J. 587
22 2021 SCC Online Bom 1802
23 2021 SCC Online Bom 4575

the appellate order.

……

24. The Act is a beneficial statute intended to safeguard the vulnerable (senior citizen), but it cannot be (mis) used by the senior citizen as a tool for summary eviction without the fulfilment of statutory requirements. In the present case, we find that the said application does not satisfy the requirements of Sections 4 and 5 of the Act and is therefore not maintainable. Accordingly, the eviction order could not have been passed by the Tribunal and upheld by the Appellate Tribunal, vide the appellate order. The senior citizen has not claimed any maintenance from the Petitioner and the order of eviction is not in furtherance thereof. Eviction, as also held in S. Vanitha (supra) would be an incident of the enforcement of the right to maintenance and protection which should be granted only after adverting to the competing claims of both parties in dispute. This has admittedly not been done in the appellate order or in eviction order (which it confirms).

25. In fact, the senior citizen is financially well-to-do and owns several other immovable properties, both residential and commercial and instead, the record reveals that the Petitioner (if evicted from the subject premises) would not have any other roof over his head. This is not disputed by the senior citizen in the said application who in-fact asserts that the Petitioner has been unemployed for several years. In such circumstances, it was incumbent on the Tribunal and the Appellate Tribunal to have considered these material factors before passing the eviction and appellate orders. This has admittedly not been done. Instead, the eviction order

accepts all the averments made in the said application and proceeds to hold that since the subject premises belong to the senior citizen and he needs to reside therein since he travels frequently for medical treatment, the Petitioner is required to be evicted therefrom.

26. The eviction order is thus clearly contrary to the scheme of the Act. In fact, the Tribunal and the Appellate Tribunal have both also lost sight of the fact that the said application is bereft of any allegations of harassment and/or cruelty by the Petitioner, which has not been considered whilst passing the eviction order and the appellate order. There is no finding, let alone any discussion in terms of Section 9 of the Act, that the senior citizen had suffered neglect at the hands of the Petitioner, which was required as per the decision in Ritika Prashant Jasani (supra). Hence, both the appellate order as also the eviction order, cannot be sustained.

27. The decision in Shweta Shetty (supra) is of no assistance to the senior citizen and is easily distinguishable on its facts. In that case, the daughter who was initially residing in Germany, returned to India and began residing with the senior citizen and refused to vacate his premises, unless she was given 'her share'. **Nasir V/s. Govt. of NCT of Delhi and Ors.**[24] was a case where the Tribunal permitted the senior citizen, who was admittedly the owner of the property, to occupy one floor and give out the other two floors on rent and recover the income therefrom. This is also distinguishable on facts. Hence, neither decision is of any assistance to the senior citizen."

24 2015 SCC Online Del 13060

52. It may be apposite to notice the judgment of the Supreme Court in the case of **Samtola Devi (supra)**. In the said case, the parents sought to evict their sons from the house premises, which the father claimed that it was his self-acquired property. The Supreme Court in the backdrop of the facts that emerged, namely, there was no complaint or any material on record to indicate that the son, after the order was passed by the Tribunal, had in any manner humiliated his parents or interfered with the mother's living, the son had been paying maintenance as directed by the Family Court observed that, if the son had been living in a small portion of the house, owned by his father, in which he had no share and was continuing with the family business from the shop on the ground floor without interfering with the life of the others, it did not appear to be prudent to order his eviction, as after all, being a son, he also had an implied licence to live therein.

53. In that context, the Supreme Court observed that the provisions of the Senior Citizens Act, nowhere specifically provide for drawing proceeding for eviction of persons from any premises owned by or belonging to a senior person. It is only on account of the observations made by the Supreme Court in the case of **S. Vanitha (supra)** that the Tribunal under the Senior Citizens Act may also order eviction if it is necessary and expedient to ensure the protection of the senior citizens. Referring to the decision in the case of

Urmila Dixit vs Sunil Sharan Dixit and ors.[25] the Supreme Court clarified in that case as well, the Supreme Court had only held that, in a given case, the Tribunal, “may order” eviction but it is not necessary and mandatory to pass an order of eviction in every case. In the case of **Samtola Devei (supra)**, the Supreme Court held, the Appellate Tribunal had not recorded any reason necessitating the eviction of the appellant's son, nor that in the facts and circumstances of the case, it was expedient to order eviction to ensure the protection of the senior citizen.

54. In the light of the aforesaid enunciation of law albeit in the facts of the respective cases, it is pertinent to note, the expansive and wide definition of "maintenance" and the obligation of children and relatives, assume critical salience. If a senior citizen is deprived of the use and occupation of her home, in the exercise of all the incidents of ownership, and made to take refuge in another premises, can it be said that the obligation of the child/relative, who is alleged to have been instrumental for bringing about the circumstances rendering it impracticable to occupy her own home to maintain the senior citizen is discharged? Would it not deprived the senior citizen of the right of the protection of the property ? or Would it still be incumbent upon the senior citizen to first seek maintenance from such child/relative who has allegedly made it impossible for the senior citizen to

25 (2025) 2 SCC 787.

occupy her own home ? are the questions that may crop up.

55. A purposive interpretation of the provisions of the Senior Citizens Act, 2007 would provide a legitimate answer. In a situation of the present nature, can it not be said that the senior citizen would be enforcing her right to live a normal life? The definition of "maintenance", which includes residence, has both positive and negative connotations. In the positive form, there is an obligation on the child/relative to provide residence to the parent/senior citizen in case the parent/senior citizen does not hold the property as defined under Section 2(f) of the Senior Citizens Act, 2007. In the negative sense, there is an obligation on the child/relative not to deprive a senior citizen of her own residence. Therefore, when the senior citizen approaches the Tribunal seeking eviction of the child/relative who has deprived the senior citizen of her property either by forcing herself or by making the life of the senior citizen miserable by acts of omission or commission, the prayer still partakes the character of enforcing the obligation of the child/relative to allow the senior citizen to live a normal life.

56. In the case of **Shweta Shetty (supra)**, a Division Bench of this Court negatived a somewhat similar challenge to the orders of the Maintenance Tribunal. In that case, the senior citizen was seeking to evict from his flat, one of the daughters who had forced herself upon the senior citizen. A submission was canvassed on behalf of the daughter that it was

impermissible under the scheme of the Senior Citizens Act, 2007 to seek eviction of a person because under Section 5 only an application for maintenance could be entertained by the Tribunal and, thus, the Tribunal acted without jurisdiction in directing eviction of the daughter. After adverting to the Division Bench judgment of this Court in the case of **Ritika Jasani (supra)**, the Division Bench repelled the contentions on behalf of the daughter in the following terms :

> "9. As to the jurisdictional question we do not believe the point is well taken. The definition of maintenance in clause 2(b) reads thus :
> "(b) "maintenance" includes provision for food, clothing, residence and medical attendance and treatment;"
> 10. Clearly it includes residence; and this means residence of the senior citizen.
> 12. In Jasani, therefore, the claim of the appellant was that the house was a 'shared household', i.e. that she had a legally definable right in the property itself. That is not the case before us at all, where Shweta accepts that she has no right in the flat in question. The mere use of the word 'eviction' is not by itself determinative. To constitute eviction, or to invoke any prohibition against eviction, it must be shown that some legally enforceable civil right of the appellant in the property itself has been determined and that the appellant has been denied that right. Removal of a person with no right in the premises is not eviction so as to attract any such prohibition. After all, as Jasani notes, the statutory intent is to protect senior citizens. It is not to foist on senior citizens an

> imaginary claim over their own property where the claimant has no such right to begin with. The statutory intent is not to limit the rights of senior citizens, but exactly the reverse."
>
> (emphasis supplied)

57. In the case of **Shweta Shetty (supra),** the Division Bench also referred to the judgment of a learned Single Judge of this Court in **Dattatrey Shivaji Mane V/s Lilabai Shivaji Mane**[26]**,** wherein it was enunciated that Section 4 of the Senior Citizens Act, 2007 cannot be read in isolation but has to be read with Section 23 and also Sections 2(b), (d) and (f) of the said Act, 2007, and the mother cannot be restrained from recovering exclusive possession from her son or other family member for the purpose of generating income from the said premises or to lead a normal life.

58. In the case of **Sunny Paul V/s. State of NCT of Delhi**[27], a Division Bench of the Delhi High Court has enunciated that, the Senior Citizens Act, 2007 being a social legislation and the same requires to be given liberal interpretation to achieve the mandate of the Act of 2007 i.e. for the welfare of the parents and senior citizens and for the protection of their life and property, there is no doubt that the Tribunal does have the jurisdiction to direct vacation by the children of any property in which the senior citizen has a right of residence/possession.

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26 (2018) 6 Mah LJ 681.
27 2018 scc Online Del 11640

59. In **Shweta Shetty (supra)**, the Division Bench also followed the Division Bench judgment of the Delhi High Court in the case of **Sunny Paul (supra)**, and observed with reference to the enunciation of law in **Dattatrey Shivaji Mane (supra)** and **Sunny Paul (supra)**, as under :

> "We entirely endorse the views of the learned Single Judge and accept them as our own. We are also fully in agreement with the views of the Division Bench of the Delhi High Court in the case of Sunny Paul (supra), a most careful and elaborate judgment that includes what appears to us to be a comprehensive overview of the jurisprudence."

60. In the case of **Dinesh Bhanudas Chandanshive (supra)**, which again arose out of the struggle of a mother, who was illegally ousted from her own abode, to take back the same from her son, the Division Bench after following the decision in the case of **Shweta Shetty (supra)**, rejected the challenge to the order passed by the Maintenance Tribunal on the ground that the Tribunal had no jurisdiction to order eviction. It was, inter alia, exposited that, during the lifetime of the parents, children cannot assert any legal right whatsoever in respect of the property of their parents claiming exclusive ownership or possession of the parents property. The mother certainly deserves to be maintained from her own tenement. The Petitioner has no legal right whatsoever to oust the mother from her tenement so as to make her roofless

and/or deprive maintenance from her tenement.

61. Another perspective through the prism of which the matter can be looked at is, the power conferred on the Tribunal under Section 23 of the Senior Citizens Act, 2007. A plain reading of Section 23 indicates that the Tribunal is conferred with the authority to declare a transfer, made by the senior citizen in favour of the transferee, void if the transferee refuses or fails to provide basic amenities and physical needs to the transferor, post transfer. The power to declare a registered instrument *inter vivos* void and, resultantly, put the transferee – senior citizen in possession of the property for failure of the condition subsequent is, in a sense, drastic.

62. It is true, the measure to declare a transfer void is subsumed under the Chapter of 'Protection of life and property of senior citizen'. However, if the provisions of the Act, are read as a whole, chapter by chapter, section by section and word by word; which is the well-established rule of interpretation, as recognised by the Supreme Court in the case of **Reserve Bank of India V/s. Peerless General Finance and Investment Co. Ltd. and Ors.**[28], then if the Tribunal is empowered to declare a transfer, which has already been effected by an instrument *inter vivos* void, a *fortiori* the Tribunal expressing its power to enforce the right of maintenance of a senior citizen and the corresponding obligation of the child/relative would have the authority to order

28 (1987) 1 SCC 424

the eviction of the child/relative who has unjustifiably deprived the senior citizen of the use and occupation of her own property, or created an atmosphere which renders it impossible for the senior citizen to occupy her own property.

63. The decisions in the cases of **Jitendera Megh (supra)** and **Samtola Devi (supra)** are required to be considered in the backdrop of the aforesaid legal position which fairly emerges. From the perusal of the decision in the case of **Jitendera Megh (supra),** it becomes abundantly clear that the said decision was rendered in the peculiar facts as noted in the observations of the Division Bench (extracted above). Likewise, the decision in the case of **Samtola Devi (supra)** also turned on its own facts. It may not be thus permissible to consider the import of the decisions in the cases of **Jitendera Megh (supra)** and **Samtola Devi (supra),** *de hors* the peculiar facts of those cases.

64. The upshot of the aforesaid consideration that it cannot be laid down as an immutable and absolute rule of law that an application for eviction simpliciter, sans the prayer for maintenance, is not maintainable, even when the senior citizen claims that she has been deprived of her property unlawfully or that she requires the property to live a normal, dignified and peaceful life.

65. Question No. 2 is thus answered accordingly.

Question No. 3:

Whether the petitioner is entitled to protect her possession over the subject flat as a shared household?

66. The thirst of the submissions of Ms. Irani was that the proceedings under the Senior Citizens Act were initiated to give a counterblast to the proceedings under the DV Act, 2005 filed by the petitioner. The recourse to the provisions contained in the Senior Citizens Act, 2007 after the petitioner had initiated proceedings under the DV Act constitutes an abuse of the process of law. In such circumstances, the provisions of the Senior Citizens Act are not attracted much less have primacy. The decision of the Supreme Court in the case of **S. Vanitha (supra)** was the sheet-anchor of the submission on behalf of the petitioner.

67. In **S. Vanitha (supra)** the Supreme Court illuminatingly postulated the path to be traversed where two enactments, namely, the Senior Citizens Act, 2007 and the Protection of Women from Domestic Violence Act, 2005, both having non obstante clauses, compete for operation. It was emphasised that the Tribunal must adopt a harmonious construction.

68. The Supreme Court, after adverting to the Statement of Objects and Reasons of the DV Act, 2005, observed, *inter alia,* as under :

> "21……. The above extract indicates that a significant object of the legislation is to provide for and recognize the rights of women to secure housing and to recognize 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 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 PART E 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.

22 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 over-riding 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 S.2(b) of the Senior Citizens Act 2007 that do not result in obviating competing remedies under PART E other special statutes, such as the PWDV Act 2005. Section 2627 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 Senior Citizens Act 2007."
>
> (emphasis supplied)

69. In the light of the aforesaid enunciation of law, which postulates harmonious construction of the two special enactments and appropriate moulding of the reliefs, in the backdrop of the competing claims, it is necessary to revert to the facts of the case. Indisputably, the subject flat was acquired by Respondent No.2 in the year 1987. Respondent No.2 claimed to have shifted to New Zealand in the month of May 2005 along with her husband. In the application before the Maintenance Tribunal, it is categorically averred that Amit got married with the Petitioner, on 9 December 2004. Thereafter, Amit and Petitioner stayed with Respondent No.2 and her husband till they shifted to New Zealand. The claim of the Petitioner that the Petitioner has been residing in the subject flat since her marriage with Amit, has not been seriously controverted. It, thus, emerges that the Petitioner has been residing in the subject flat, not only with her husband, but has resided with Respondent No.2 and her husband, post marriage, till Respondent No.2

shifted to New Zealand. It is also indisputable that the Petitioner preferred proceedings under the DV Act, 2005 in the year 2024.

70. What are the implications of the aforesaid factual backdrop on the claim of the Petitioner that the subject flat is a shared household and she is entitled to protection under Section 17 of the DV Act, 2005. DV Act, 2005 was enacted keeping in view the rights guaranteed under Articles 14, 15 and 21 of the Constitution, to provide for a remedy under the civil law which was intended to protect the women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society. One of the stated objects sought to be achieved by the enactment of the DV Act, 2005, was to provide rights of women to secure housing. It reads as under :

> "It provides for the rights of women to secure housing. It also provides for the right of a woman to reside in her matrimonial home or shared household, whether or not she has any title or rights in such home or household. This right is secured by a residence order, which is passed by the Magistrate."

71. Section 17 of the DV Act, 2005 gives the women right to reside in a shared household. It reads as under :

> **"17. Right to reside in a shared household.—**
> (1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same

> (2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law."

72. It would be contextually relevant to note the definitions of the "domestic relationship" and "shared household" which are the key expressions in sub-section (1) of Section 17. They read as under :

> **"2(f) "domestic relationship"** means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;
>
> **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 house hold 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 be long 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."

73. A conjoint reading of the aforesaid provisions would indicate that the

Parliament professed to secure the right to residence to a woman in a domestic relationship, by giving an overriding effect to the said right by incorporating a non-obstante clause. Such right is available qua a shared house-hold. The expression, “whether or not she has any right, title or interest or beneficial interest in the same”, which follows the term “shared household” is of critical salience. The right to reside in the shared household is, in fact, de hors such right, title or interest. The right to reside stems from the domestic relationship, which has its nexus with the shared household. If these two conditions are satisfied, then notwithstanding the absence of any right, title or interest in the shared household, the aggrieved woman is entitled to enforce her right to reside in the shared household, notwithstanding anything contained in any other law for the time being in force.

74. Section 19 of the DV Act, 2005 reads as under :

> **“19. Residence orders.—**
> (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order—
> (a) a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;
> (b) directing the respondent to remove himself from the

> shared household;
>
> (c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;
>
> (d) restraining the respondent from alienating or disposing off the shared household or encumbering the same;
>
> (e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or
>
> (f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require: Provided that no order under clause (b) shall be passed against any person who is a woman.
>
> … … ..."

75. The words "whether or not the Respondent has a legal or equitable interest in the shared household" are of critical salience when the right of the aggrieved person is to be decided so far as her claim for residence in the shared household. The question of title or proprietary right in the property is not at all of relevance when the provisions of DV Act, 2005, especially Section 19 thereof, are to be considered. It needs to be emphasised that, as the wife's right to reside in the matrimonial home was being defeated on the ground that the house does not belong to the husband or does not stand in his name, the DV Act, 2005 was brought on the statute book with the specific

and clear language. Ordinarily, once it is demonstrated that the subject flat was a shared house-hold as the aggrieved person and her husband had, in their marital relationship i.e. domestic relationship, resided together therein and the relationship continued till the marital discord arose, the right of the wife to reside in such shared house-hold cannot be contested.

76. At this stage, a reference to the three Judge Bench judgment of the Supreme Court in the case of **Satish Chander Ahuja V/s. Sneha Ahuja**[29] becomes necessary. The facts as in the said case have an element of resemblance to the facts of the case at hand. In the said case, the appellant – plaintiff was the father-in-law of the respondent - woman. The appellant had acquired the subject property under a conveyance in the year 1983. The marriage of the respondent was solemnized with the son of the appellant in the year 1995. Post marriage, the respondent started to reside in the subject premises alongwith her husband. In the wake of marital discord, the appellant's son moved out of the subject premises. The respondent continued to occupy the same. Appellant's son filed a petition for dissolution of marriage. The respondent had filed an application under Section 12 of the DV Act, 2005. In the year 2017, the appellant instituted a suit against the respondent, as the sole defendant, seeking a decree for mandatory injunction against the respondent to remove herself, and her belongings from the subject premises.

29 (2021) 1 SCC 414

In view of a purported admission in the written statement, the trial Court passed a decree on admission under Order XII Rule 6 of the Code. On appeal, the High Court set aside the decree and remitted the matter back to the trial court for afresh decision after considering the statutory rights of the respondent.

77. A submission was canvassed before the Supreme Court that in view of the decision of the Supreme Court in the case of **S. R. Batra and Anr. vs. Taruna Batra**[30], the respondent therein had no right of residence in the premises belonging to the appellant-her father-in-law. The Supreme Court framed *inter alia* the following questions, which arose for the consideration :

> "30.1 (1) Whether definition of shared household under Section 2(s) of the Protection of Women from Domestic Violence Act, 2005 has to be read to mean that shared household can only be that household which is household of joint family or in which husband of the aggrieved person has a share?
>
> 30.2 (2) Whether judgment of this Court in S.R. Batra and Anr Vs. Taruna Batra (2007) 3 SCC 169 has not correctly interpreted the provision of Section 2(s) of Protection of Women from Domestic Violence Act, 2005 and does not lay down a correct law ?
>
> 30.3 (3) ... ...

30 AIR 2007 SC 1118

78. After an elaborate analysis tracing the legislative history and object behind the enactment of DV Act 2005 the Supreme Court ruled that the decision in the case of ***S.R, Batra*** (supra) which held that wife is only entitled to claim the right of residence in the shared household and the shared household could only mean the house belonging to or taken on rent by the husband or the house which belongs to the joint family of which the husband is a member, does not lay down the correct law. The observations in paragraphs 69 and 70 are material and hence extracted below :

> "69. In para 29 of the judgment, this Court in S.R. Batra V Taruna Batra (Supra) held that wife is only entitled to claim a right to residence in a shared household and a shared household would only mean the house belonging to or taken on rent by the husband, or the house which belongs to the joint family of which the husband is a member. The definition of shared household as noticed in Section 2(s) does not indicate that a shared household shall be one which belongs to or taken on rent by the husband. We have noticed the definition of "respondent" under the Act. The respondent in a proceeding under Domestic Violence Act can be any relative of the husband. In event, the shared household belongs to any relative of the husband with whom in a domestic relationship the woman has lived, the conditions mentioned in Section 2(s) are satisfied and the said house will become a shared household.
>
> 70. We are of the view that this court in S.R. Batra V Taruna Batra (Supra) although noticed the definition of shared household as given in Section 2(s) but did not advert to differ-

ent parts of the definition which makes it clear that for a shared household there is no such requirement that the house may be owned singly or jointly by the husband or taken on rent by the husband. The observation of this Court in S.R. Batra V Taruna Batra (Supra) that definition of shared household in Section 2(s) is not very happily worded and it has to be interpreted, which is sensible and does not lead to chaos in the society also does not commend us. The definition of shared household is clear and exhaustive definition as observed by us. The object and purpose of the Act was to grant a right to aggrieved person, a woman of residence in shared household. The interpretation which is put by this Court in S.R. Batra V Taruna Batra (Supra) if accepted shall clearly frustrate the object and purpose of the Act. We, thus, are of the opinion that the interpretation of definition of shared household as put by this Court in S.R. Batra V Taruna Batra (Supra) is not correct interpretation and the said judgment does not lay down the correct law."

79. The question Nos.1 and 2 were, therefore, answered as under :

"91. … … …

91.1 The definition of shared household given in Section 2(s) cannot be read to mean that shared household can only be that household which is household of the joint family of which husband is a member or in which husband of the aggrieved person has a share.

91.2 The judgment of this Court in S.R. Batra Vs Taruna Batra (Supra) has not correctly interpreted Section 2(s) of Act, 2005 and the judgment does not lay down a correct law.

80. It must be noted that in the case of **Satish Chander Ahuja (supra)**, the Supreme Court in terms observed that :

> 90.....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 thier life are also entitled to live peacefully not haunted by marital discord between their son and daughter-in-law. Whiel granting relief both in application under Section 12 of the 2005 Act or in any civil proceedings, the Court has to balance the rights of both the parties. The directions issued by the High Court in para 506 adequately balance the rights of both the parties.

81. The position which thus emerges is that, in the judgments in the cases of **S. Vanitha (supra) and Satish Chander Ahuja (supra)**, the Supreme Court has underscored the necessity to balance the competing rights of the woman [emanating from the DV Act, 2005] and the [Senior citizen flowing from the Senior Citizens Act, 2007]. Indubitably, the senior citizens in the evening of their life are also entitled to live peacefully not haunted by the marital discord between their son and daughter-in-law.

82. In the facts of the case at hand, how the delicate balance is to be achieved. In the considered view of this Court, few facts assume significance. First, Respondent No.2 is a citizen of New Zealand. Though, the desire of Respondent No.2 to return to her roots and stay in the subject flat, cannot be

questioned, yet the possession of the subject flat does not seem to be necessiated as a permanent abode. Second, the Petitioner has been residing in the subject flat since the year 2004, as her matrimonial home. Third, the right conferred under Section 17 of the Act, 2005 is that of residence in the shared household, irrespective of entitlement thereto. Undoubtedly, the said right of residence is that of occupation and not ownership. Yet, the Petitioner cannot be evicted from the shared household, save in accordance with the procedure established by law. Fourth, the flat which the Petitioner owns is located at Ghatkopar. The submission that the Petitioner can very well move to the said flat looses sight of the nature of the right conferred under Section 17 of the Act, 2005. The justification for the eviction of the petitioner can be furnished by establishing that the Petitioner is provided same level of alternate accommodation or payment of rent, as contemplated by Section 19(f) of the DV Act, 2005. Such an order can be obtained by instituting proceedings in the Court of competent jurisdiction or even in the proceedings filed by the Petitioner under the DV Act, 2005. In such proceedings, the Court may examine whether the flat situated at Ghatkopar which the Petitioner owns constitutes same level of alternate accommodation, as enjoyed by the Petitioner in the shared household or how best to compensate the Petitioner for eviction from the subject flat by providing additional monetary consideration. However, such consideration is beyond the remit of inquiry

under the Senior Citizens Act, 2007.

83. Thus, at this stage, where there is strong factual foundation to show that the subject flat constitutes a shared household, the aforesaid factors dissuade the Court from ordering the eviction of the Petitioner. It is true, in view of the institution of the proceedings under the DV Act, 2005, the relations between the Petitioner and Respondent No.2 and her family members might have taken acrimonious turn. However, it is pertinent to note, apart from filing of the proceeding before the Magistrate under the DV Act, 2005, the application before the Maintenance Tribunal does not advert to any act or omission on the part of the Petitioner that renders the stay of the Respondent No.2 in the subject flat impossible. There is no prima facie material to show that when the Respondent No.2 resided with the Petitioner in the subject flat, the Respondent No.2 was subjected to harassment, ill-treatment or the Petitioner otherwise made the stay of the Respondent No.2 in the subject flat impracticable.

84. In these circumstances, balance that was attempted to be maintained by the Maintenance Tribunal by restraining the Petitioner from causing obstruction to the Respondent No.2 and her family members from residing in the subject flat and giving directions to the Petitioner in the matter of treatment to be made out to the Respondent No.2 appeared to be justifiable.

85. The decisions in the cases of **Anila (supra)**, **Chandiram Hemnani**

(supra) and **Manju Arora (supra)**, on which reliance was placed by Ms. Rao, turned on their peculiar facts. The fact-situation in those cases warranted the exercise of discretion in a particular manner to advance the object of the Senior Citizens Act, 2007. The facts of the case at hand, in the view of this Court, warrant protection of rights of the senior citizen by giving directions to allow her unrestricted residence in the subject flat without ordering the eviction of the Petitioner.

86. For the foregoing reasons, I am inclined to answer question No.3 in the affirmative, and allow the Petition in the following terms.

87. Hence, the following order :

ORDER

(i) The Writ Petition stands allowed.

(ii) The impugned order passed by the Appellate Tribunal directing the eviction of the Petitioner stands quashed and set aside.

(iii) The order dated 31 October 2025 passed by the Maintenance Tribunal stands restored.

(iv) All the directions issued by the Maintenance Tribunal stand affirmed.

(v) In addition, by way of abundant caution, it is directed that the Respondent No.2 and her family members shall have unrestricted right to reside in the subject flat and the Petitioner shall not cause any obstruction to

the Respondent No.2 and her family members from residing in the subject flat.

(vi) The Petitioner is restrained from committing any act or omission which would prevent Respondent No.2 from living a normal, dignified and peaceful life in the subject flat.

(vii) Rule made absolute to the aforesaid extent.

(viii) No costs.

(N.J.JAMADAR, J.)

Signed by: S.S.Phadke
Designation: PS To Honourable Judge
Date: 30/06/2026 22:48:21