

(2018) 10 DEL CK 0013

In the Delhi High Court

Case No : Letter Petent Appeal No. 537 Of 2018

Darshna

APPELLANT

Vs

Govt Of NCT Of Delhi & Ors

RESPONDENT

Date of Decision : 03-10-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 125
Indian Penal Code, 1860 — Section 34, 406, 498A
Maintenance and Welfare of Parents and Senior Citizens Act, 2007 — Section 4
Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rule,
2017 — Rule 22(3)(1)(i)

Citation : (2018) 10 DEL CK 0013

Hon'ble Judges : Rajendra Menon, CJ;V. Kameswar Rao, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

V. KAMESWAR RAO,Â J

1. This Appeal has been filed by the appellant challenging the order dated 18th July, 2018 passed by the learned Single Judge in W.P.(C) 6592/2018,

whereby the learned Single Judge has dismissed the writ petition challenging the order dated 8th June, 2018 passed by the District Magistrate whereby

the appellant has been directed to evict the first floor of house No. 2777/21, Beadonpura, Karol Bagh, New Delhi â?" 110005 occupied by her and to

hand over the physical possession of the property to respondent no.2, namely Dhani Ram.Â Â

2. The facts as noted from the record are, the appellant is the daughter-in-law of Dhani Ram and is residing in the premises along with Dhani Ram

and his wife. It is her case that she occupies only one room of the said property. It is noted that there are matrimonial disputes between Darshna and

her husband.Â

Further there are also disputes between Darshna and her in-laws, i.e. Dhani Ram and his wife.Â Darshna has instituted proceedings under the

Protection of Women from Domestic Violence Act, 2005 against her in laws.Â Darshna and her husband had also instituted divorce proceeding

before the Principal Judge, Family Court on the ground of cruelty.Â It is also a conceded position that Darshna and her husband are now separated

and are not living along with Dhani Ram and his wife in the aforesaid property for the last several months.Â Darshna has filed an application for

maintenance under Section 125 Cr.P.C., which is stated to be pending.Â The proceedings by Darshna alleging offences under Section 498A/406 &

34 IPC are pending against her husband and parents in law.Â It is also noted that Dhani Ram has also filed a Civil Suit against the appellant Darshna

for permanent and mandatory injunction, which is pending before Tis Hazari Court, Delhi.Â Dhani Ram has also filed an application before the

District Magistrate seeking eviction of his son and appellant from the premises.Â The said proceedings were decided by the District Magistrate

whereby a direction has been given, which has already been reflected above.Â

3. The case of the appellant before the learned Single Judge as canvassed by her counsel was that petition filed by Dhani Ram for eviction was not

maintainable as Dhani Ram had not sought for any relief of maintenance under Section 4 of the Maintenance and Welfare of Parents and Senior

Citizens Act, 2007 (hereinafter referred to as Act of 2007)Â and that getting rent from the shops on ground floor of the property, he did not require

any maintenance and as such the claim for eviction without maintenance was not maintainable.Â

4. One of the submissions made on behalf of the appellant before the learned Single Judge was also that the provisions of Delhi Maintenance and

Welfare of Parents and Senior Citizens Rules as amended in the year 2016 only enable senior citizen to evict his son, daughter or legal heir from his

self-acquired property on account of his non-maintenance and ill-treatment.Â It was the submission of the learned counsel for the appellant that the

daughter-in-law did not fall within the scope of the said Rules.Â Therefore, the application for evicting the appellant / his daughter-in-law is not

maintainable.Â Further it was stated that the property in question was an

ancestral property of Dhani Ram and therefore, he could not maintain the application for eviction under the Act or the Rules.Â Â

5. It is noted from the impugned order that serious allegations have been made against the appellant on her misbehavior and physically assaulting

Dhani Ram and his wife..Â Â The learned Single Judge has also noted the fact that the District Magistrate had called for a report from the SDM,

Karol Bagh and who on enquiries confirmed that Darshna used to fight with her in-laws; she used to spit on them and also used filthy language.Â

Learned Single Judge accepted the allegations made by Dhani Ram and the fact that Dhani Ram and Darshna cannot live together in the same

premises. In fact, Dhani Ram placed reliance on the CCTV footage, which footage, according to the learned Single cannot be faulted.Â Â

6. On the issue, that the application filed by Dhani Ram for eviction was not maintainable as he had not made a request for maintenance as is

contemplated under Section 4 of the Act is concerned, the same was rejected by the learned Single Judge by relying upon the Delhi Maintenance and

Welfare of Parents and Senior Citizens (Amendment) Rules, 2016, holding that the said rules entitle a senior citizen to seek eviction of his son,

daughter or his legal heir (s) on account of ill-treatment and were framed in aid of protecting the life and property of the senior citizens and not in

furtherance of Section 4 of the Act.Â The said conclusion of the learned Single Judge is justified.Â In fact, this court in LPA 205/2017 titled as

Sunny Paul v. State of NCT of Delhi and Ors.rejected a similar contention by holding as under:

â??On a perusal of the provisions of the Act of 2007, it is seen that the same has been enacted to provide for effective provisions for the

maintenance and welfare of parents and senior citizens guaranteed and recognized under the Constitution and for matters connected therewith or

incidental thereto.Â The necessity of framing the Act is because of the erosion of joint family system resulting in the elderly parents and senior

citizens getting neglected by the children including lack of physical and financial support from them.Â Section 3 of the Act of 2007 gives the

overriding effect over any other enactment / instrument. Chapter II of the Act deals with the maintenance of parents and senior citizens.Â Section 4

of the Act enables a senior citizen including parent who is unable to maintain

himself from his own earnings or out of the property owned by him to make an application under Section 5 for his / her maintenance so that he / she can lead a normal life.Â Chapter V of the Act of 2007 deals with protection of life and property ofÂ senior citizens.Â Section 23(1) under Chapter V confers a power on the Tribunal to declare transfer of property in certain circumstances as void.Â Section 23(2) inter-alia stipulates that a senior citizen has a right to receive maintenance out of an estate and if such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.Â There is nothing in Section 23, which pre-supposes an application for maintenance as a prerequisite for seeking a relief under it.Â The scope of Section 23 is to declare the transfer of property by a senior citizen with an intent that the transferee shall provide the basic amenities and physical needs to the transferor and if such transferee refuses or fails to provide such amenities and physical needs, in such an eventuality, the transfer of property can be declared void by the Tribunal.Â A senior citizen may be contended if the transfer of property effected is treated as void so as to enable him to maintain himself from the estate, for which a senior citizen may not seek maintenance.Â Â So the plea of the learned counsel for the appellant that in the absence of a claim for maintenance by the respondent Nos.2 and 3, a petition under Section 23 shall not be maintainable, is without any merit.Â Further, the Delhi Government had initially framed Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, which have been amended in the year 2016, whereby Sub Rule 3(1)(i) has been incorporated to Rule 22 of the Rules.Â The same reads as under:-

â??(i) A senior citizen may make an application before the Dy. Commissioner/ District Magistrate(DM) of his district for eviction of his son and daughter or legal heir from his self acquired property on account of his nonmaintenance and ill-treatment.

Â XXXXXÂ Â XXXXXÂ Â XXXXXâ??

Â 12. The said Sub Rule has undergone an amendment in the year 2017 to the following extent:-

â??(i) A senior citizen/parents may make an application before the Deputy

Commissioner/District Magistrate of his district for eviction of his son and daughter or legal heir from his property of any kind whether movable or immovable, ancestral or self-acquired, tangible or intangible and include rights or interests in such property on account of his non-maintenance and ill-treatment.â??

13. The said Sub Rule 3 has been incorporated in Rule 22 of the Rules to give effect to Section 23 of the Act and not to Section 4 of the Act.Â So, it follows that it is not necessary that to invoke Section 23, one has to seek maintenance under Section 4.â??

7. In so far as the plea on behalf of the appellant that the property in question is not Dhani Ramâ??s self-acquired property but an ancestral property

is concerned, learned Single Judge rejected the plea by noting that the property was allotted to the mother of Dhani Ram, Smt. Bahuti Devi on 4th

May, 1967 and the same devolved on him by way of a Registered Will dated 28th January, 1968.Â The learned Single Judge rejected the said plea by

relying upon Rule 22(3)(1)(i) of Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules 2017, which stipulated that a

senior citizen or a parent can make an application to the concerned Deputy Commissioner / District Magistrate for eviction of his son, daughter or

legal heir from his property of any kind whether moveable or immoveable, ancestral or selfacquired, tangible or intangible and includes rights or

interests in such properties on account of his non-maintenance and ill-treatment.Â Â

8. On perusal of Rule 22(3)(1)(i) as incorporated in the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules 2017 and noting the fact

that the property in question had devolved on him by way of a registered Will executed by his mother, surely it follows that Dhani Ramâ??s son or

for that matter his daughter-in-law can claim no right in the same. In any case, under the Rules, a senior citizen / parent can seek eviction of son,

daughter or legal heir from an ancestral or self-acquired property, the vires of which Rule has not been challenged by the appellant in these

proceedings nor before the learned Single Judge.Â As long as the said Rules exist, the order of the Tribunal giving impugned directions cannot be

faulted.Â Â

9. In so far as the plea of the appellant before the learned Single Judge that Rule

22(3)(1)(i) applies to son, daughter and legal heir and not to the daughter-in-law is concerned, the same was also rejected by the learned Single Judge by holding that the said Rule cannot be interpreted in a restrictive manner; he relied upon the Judgment of the Division Bench in the case of the Shadab Khairi and Anr. V. The State and Ors, LPA 783/2017 decided on 22nd February, 2018 wherein it was held that the Act, being a welfare legislation was required to be interpreted liberally. We concur with the said conclusion. This court while considering the Judgment of the learned Single Judge in Sunny Paul and Anr. (Supra) has upheld the Judgment of the learned Single Judge in Sunny Paul's case by holding as under:

15. Insofar as the submission of the learned counsel for the appellant that the Tribunal did not have the jurisdiction to direct the appellant to vacate the property is concerned, suffice to state, that as stated above, the Government of NCT of Delhi has framed Rules called Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009. The same were amended in December, 2016, whereby Sub Rule 3 was incorporated to Rule 22, which stipulates as under:-

(3)(1) Procedure for eviction from property/residential building of Senior Citizen/ Parents -

(i) A senior citizen may make an application before the Dy. Commissioner/District Magistrate(DM) of his district for eviction of his son and daughter or legal heir from his self acquired property on account of his nonmaintenance and ill-treatment.

(ii) The Deputy Commissioner/DM shall immediately forward such application to the concerned Sub Divisional Magistrates for verification of the title of the property and facts of the case within 15 days from the date of receipt of such application.

(iii) The Sub Divisional Magistrate shall immediately submit its report to the Deputy Commissioner/DM for LPA 783/2017 Page 7 final orders within 21 days from the date of receipt of the complaint/application.

(iv) The Deputy Commissioner/DM during summary proceedings for the protection of senior citizen parents shall consider all the relevant provisions of the said Act 2007. If the Deputy Commissioner/DM is of opinion that any son or daughter or legal heir of a senior citizen/parents is not maintaining the

senior citizen and ill treating him and yet is occupying the self acquired property of the senior citizen, and that they should be evicted, the Deputy

Commissioner/DM shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause as to why an

order of eviction should not be issued against them/him/her.

(v) The notice shall-

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the property/premises, to show

cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of

issued thereof.

(2) Eviction Order from property/residential building of Senior Citizens/Parent. â?

(i) If, after considering the cause, if any, shown by any person in pursuance to the notice and any evidence he/she may produce in support of the same

and after giving him/her a reasonable opportunity of being heard, the Deputy Commissioner/DM is satisfied that the eviction order needs to be made,

the Deputy Commissioner/DM may make an order of eviction, for LPA 783/2017 Page 8 reasons to be recorded therein, directing that the

property/residential building shall be vacated;

(3) Enforcement of Orders,

(i) If any person refuses or fails to comply with the order of eviction within thirty days from the date of its issue, the Deputy Commissioner/DM or any

other officer duly authorized by the Deputy Commissioner/DM in this behalf may evict that person from the premises in question and take possession;

(ii) The Deputy Commissioner/DM shall have powers to enforce the eviction orders through Police and the Dy. Commissioner of Police concerned

shall be bound to carry out execution of the eviction order.

(iii) The Deputy Commissioner/DM will further handover the property/premises in question to the concerned Senior Citizen.

(iv) The Deputy Commissioner/DM shall forward monthly report of such cases to the Social Welfare Department by 7th of the following month.

16. A further amendment has been carried out to Sub Rule 3 to Rule 22 of the

Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 in the year 2017, which amendment has already been reproduced above. The aforesaid Rules also deal with enforcement of orders passed by the Tribunal.

17. A reading of the Rules framed by the Government of NCT clearly reflect that a senior citizen can file an application seeking eviction of his son and daughter or legal heir from his self acquired or ancestral property on the ground of ill-treatment or non maintenance. The vires of these Rules has not been challenged by the appellant. The limited challenge is to the jurisdiction of the Maintenance Tribunal to order an eviction under the Act of 2007. So noting the limited challenge to the order passed by the Tribunal and keeping in view the fact that the enactment 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. In this regard, we may refer to the judgment of the Supreme Court in Board of Muslim Wakfs, Rajasthan v. Radha Krishna and Ors (1979) 2 SCC 468 wherein it was held that the construction which tends to make any part of the Statute meaningless or ineffective must always be avoided and the construction which advances the remedy intended by the Statute should be accepted.

18. In Hindustan Lever Ltd vs Ashok Vishnu Kate & Ors 1995 SCC (6) 326, it was held that words occurring in statutes of liberal import such as social welfare legislation and human rights legislation are not to be put in Procrustean beds or shrunk to Lilliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognized and reduced.

19. On a similar proposition, the Supreme Court in State of Bihar & Ors. V. Anil Kumar and Ors AIR 2017 SC 2716 has by relying upon National Insurance Co. Ltd. v. Laxmi Narain Dhut (2007) 4 SCALE 36 held as under: - 68. A statute is an edict of the Legislature and in construing a statute, it is necessary to seek the intention of its maker. A statute has to be construed according to the intent of those who make it and the duty of the

court is to act upon the true intention of the Legislature. If a statutory provision is open to more than one interpretation the Court has to choose that

interpretation which represents the true intention of the Legislature. This task very often raises difficulties because of various reasons, inasmuch as the

words used may not be scientific symbols having any precise or definite meaning and the language may be an imperfect medium to convey one's

thought or that the assembly of Legislatures consisting of persons of various shades of opinion purport to convey a meaning which may be obscure. It

is impossible even for the most imaginative Legislature to foresee all situations exhaustively and circumstances that may emerge after enacting a statute

where its application may be called for. Nonetheless, the function of the Courts is only to expound and not to legislate. Legislation in a modern State is

actuated with some policy to curb some public evil or to effectuate some public benefit. The legislation is primarily directed to the problems before the

Legislature based on information derived from past and present experience. It may also be designed by use of general words to cover similar problems

arising in future. But, from the very nature of things, it is impossible to anticipate fully the varied situations arising in future in which the application of the

legislation in hand may be called for, and, words chosen to communicate such indefinite referents are bound to be in many cases lacking in clarity and

precision and thus giving rise to controversial questions of construction. The process of construction combines both literal and purposive approaches. In

other words the legislative intention i.e., the true or legal meaning of an enactment is derived by considering the meaning of the words used in the

enactment in the light of any discernible purpose or object which comprehends the mischief and its remedy to which the enactment is directed. (See

District Mining Officer and Ors. v. Tata Iron & Steel Co. & Anr. JT 2001 (6) SC 183). It is also well settled that to arrive at the intention of the

legislation depending on the objects for which the enactment is made, the Court can resort to historical, contextual and purposive interpretation leaving

textual interpretation aside.

(emphasis supplied)

Â 69.Â It was also opined:

More often than not, literal interpretation of a statute or a provision of a statute results in absurdity. Therefore, while interpreting statutory

provisions, the Courts should keep in mind the objectives or purpose for which statute has been enacted. Justice Frankfurter of U.S. Supreme Court in

an article titled as Some Reflections on the Reading of Statutes (47 Columbia Law Reports 527), observed that, "A

legislation has an aim, it seeks to obviate some mischief, to supply an adequacy, to effect a change of policy, to formulate a plan of Government. That

aim, that policy is not drawn, like nitrogen, out of the air; it is evidenced in the language of the statutes, as read in the light of other external

manifestations of purpose".

20. The learned Single Judge has also relied upon the judgments of the Punjab & Haryana High Court and Gujarat High Court in the case of Justice

Shanti Sarup Dewan, Chief Justice (Retired) and another (supra) and Jayantram Vallabhdas Meswania (supra).

21. In para of Justice Shanti Sarup Dewan, Chief Justice (Retired) and another (supra), the Punjab & Haryana High Court has held as under:-

"37. It cannot be said that in such a situation, where respondent No. 7 was at best living with the permission of his parents, which permission

stands long withdrawn, the appellants and more specifically appellant No.1 should be compelled to knock the door of the civil court and fight a legal

battle to obtain exclusive possession of the property. This would defeat the very purpose of the said Act which has an over-riding effect qua any

other enactment in view of Section 3 of the said Act. Infact, the Civil Court has been precluded from entertaining any matter qua which jurisdiction is

vested under the said Act and specifically bars granting any injunction. Respondent No. 7 is thus LPA No. 1007 of 2013 (O&M) required to move out

of the premises to permit the appellants to live in peace and civil proceedings can be only qua a claim thereafter if respondent No. 7 so chooses to

make in respect of the property at Chandigarh but without any interim injunction. It is not the other way round that respondent No. 7 with his family

keeps staying in the house and asking the appellants to go to the Civil Court to establish their rights knowing fully well that the time consuming civil

proceedings may not be finished during the life time of appellant No.1. Infact, that is the very objective of respondent No. 7."

22. Further, in Jayantram Vallabhdas Meswania (supra), in paras 14 & 15, the Division Bench of Gujarat High Court has held as under:-

14. It, however, appears that respondent's children are not taking sufficient care and are not providing proper and sufficient maintenance for the respondent and that therefore so as to maintain himself the respondent needs sufficient earning/income whereby he can maintain himself and provide for his own food, clothing, medical attendance and treatment, etc. Therefore, the respondent asked the petitioner to handover the possession of the part of the premises (property) wherein the petitioner is staying with his wife. However, the petitioner declined to handover the possession of the part of the premises which is in his possession. In view of such conduct and action of the petitioner the respondent was compelled to file the application wherein the authority passed the impugned order. It appears that in his application the respondent requested the authority to take appropriate measures as per Section 23 so as to get the possession of the part of the premises. The petitioner opposed the application and has now challenged the impugned orders on the ground that the same are beyond the scope and purview of Section 23. Emphasis is placed on the expression "transfer of property" in the said provision. It is claimed that the respondent has not transferred the property in his favour and therefore the provision would not be applicable and could not have been invoked.

14. 1. However, the petitioner conveniently overlooks the provision under Section 4 of the Act. Sub Section (1) of Section 23 provides, inter alia, that where a senior citizen has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide basic amenities and physical needs to the transferor then the transfer may be declared void if the transferee refuses or fails to provide such amenities. Sub Section (2) of Section 23 provides, inter alia, that where a senior citizen has right to receive maintenance out of an estate which is transferred, the right to receive maintenance may be enforced against the transferee provided that the transfer is not made for "consideration".

14.2. As mentioned above, it is not in dispute that the petitioner is in possession and occupation of part of the property/premises.

14.3. It is also not in dispute that the petitioner is "in possession of property" without consideration.

14. 4. It also does not appear to be in dispute that as an elder son of the respondent the petitioner also would inherit right/interest in the property.

15. The question which, therefore, arises is whether the term "transfer" in Section 23 of the Act should be construed so as to mean only actual

transfer of ownership and title or the said expression should be construed, having regard to the object of the Act and the provisions under Section 2(b),

2(d), 2(f), 2(h) and Section 4, so as to also include possession of the property as well.

15.1. It is noticed earlier that Sub Section (4) of Section 4 provides, inter alia, that any person who would inherit the property (which includes right or

interest in such property) and is "in possession of property" shall maintain such senior citizen which includes the needs of such senior citizen to

lead normal life.

15.2. Having regard to the object of the Act and the intention of the legislature, there is no reason or justification or indication to restrict the meaning

and scope of the term "transfer" so as to mean only "actual transfer of title and ownership" and to exclude "possession of property"

from the purview of Section 23 and/or from the term "transfer" employed in Section 23 of the Act.

15.3. There is no provision in the Act to suggest or to indicate that the said term carries very narrow, and literal meaning so as to mean only actual

transfer of title and ownership and the concept of possession, which is recognized by the Act "particularly under Section 4 of the Act, has to be

kept out.

15.4. On overall consideration and having regard to the provision under Sections 2(b), 2(d), 2(f), 4 and the object of the Act, the said term should

receive wider meaning so as to include possession/occupation of property, as well. The said concept is already recognised, accepted and

internalised by the Act vide Section 4 of the Act.

15.5. It is not in dispute that the property is in name of the respondent and he has the right to receive maintenance i.e. income/earning from the said

property.

15.6. In view of the said provisions, the term "transfer of property" should receive wide and liberal construction so as to include an act of allowing

possession and/or occupation of premises or part of the premises provided, of course, the possession is not allowed for consideration (including rent).

15.7. Sub Section (2) of Section 23 contemplates a situation where the

transferor has right to receive maintenance from such property then such transferor can enforce the right to receive maintenance from the transferee.

15.8. For the purpose of the said provision the transferee would mean person who is allowed possession and/or occupation of the premises/property or part of the premises/property from which the transferor i.e. the owner of the premises/property can, otherwise, receive income/earning i.e. maintenance.

15.9. The provisions under Section 23 of the Act cannot be, and need not be, read in isolation or by divorcing the said provision from other provisions, particularly Section 4 of the Act read with Section 2(b), 2(f), 2(g) & 2(h) of the Act.â??Â

23. We agree with the conclusion arrived at by the High Courts in the aforesaid judgments. At the cost of repetition, we may state here that having

regard to the object of the Act (i) the term â??transferâ? shall include actual transfer of title or ownership; the act of allowing possession of property

/ allowing stay in the property or in part of property from which the Senior Citizen / Parents can earn income to maintain themselves and (ii) similarly

the term â??transfereeâ? shall mean the children / legal heir in whose favour the property, is transferred or is in possession of or are staying in the

property or part of the property (but without consideration).â??Â Â

10. In fact, in Sunny Paul and Anr. (supra) this court relied upon the paragraphs of the judgment of the Division Bench in Shadab Khairi and Anr.

(supra).Â That apart, in Para 26, the learned Single Judge has stated as under:Â Â

â??26. In the present case, excluding daughter-in-law from the scope of Rule 22(3)(1)(i) of the Delhi Maintenance and Welfare of Parents and

Senior Citizens Rules, 2009 as amended would debilitate the provisions of the Rules and render it incapable to serve the object of Section 22 of the

Act. It is difficult to accept that although a senior citizen is entitled to evict his/her son who is maltreating him, he/she has no option but to suffer the ill-

treatment at the hands of his/her daughter-in-law. A daughter-in-laws right to reside in the premises of her in-laws cannot be greater than her

husbands?. The expression â??son and daughter or legal heirsâ? as used in the aforesaid Rules must also take within its sweep the families of the

daughter/son, of a senior citizen. The term â??legal heirsâ? must be understood

in the broadest sense. Indisputably, a daughter-in-law is also a heir in certain circumstances (widow of a pre-deceased son).â??â??

11. We agree with the aforesaid conclusion of the learned Single Judge. We also note that in Para 28, the learned Single Judge has held as under:â??

28. It is also relevant to note that Darshna has no right, title and interest in the premises and, therefore, cannot insist on residing with Dhani Ram and

his wife especially when the relationships between the said parties have deteriorated to the extent as indicated above.â??

12. Surely, the aforesaid conclusion also weighed with the learned Single Judge in upholding the order of the Tribunal.â??

13. Keeping in view the objective of the Act and it is hightime that senior citizens / parents are allowed to live in peace and tranquility, the orders

passed by the Maintenance Tribunal and the learned Single Judge cannot be faulted.â?? The Appeal is dismissed.â??

CM. No. 37529/2018 (for Stay)

â?? Dismissed as infructuous.â??