



OFFICE OF THE DISTRICT MAGISTRATE CUM
APPELLATE TRIBUNAL
THE TRIBUNAL FOR MAINTENANCE AND WELFARE OF PARENTS &
SENIOR CITIZENS
DISTRICT-SOUTH WEST

Dated: 09/10/2026

Ref. No.: 48567

Case No.: 1/78/19

Case ID- 23055

Smt. Madhu Kukreja

.....Complainant

Vs.

Sh. Kapil Kukreja & Ors

.....Respondents

ORDER

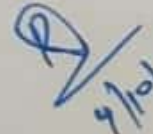
1. Vide this order I shall dispose off the present complaint filed by the complainant on date 31.07.2019 for eviction of respondents from property bearing H.No.51A, 1st Floor, Raghu Nagar, Street No.3, Syndicate Enclave, Dabri, in accordance under rule 22(3) of Delhi Welfare and Maintenance of Parents and Senior Citizens rule 2009 (hereinafter referred as "Rules").

2. CONTENTIONS OF COMPLAINANT:

I. That the Complainant Smt. Madhu Kukreja is the sole and absolute owner of House no. 51A, 1st floor, Raghu Nagar, Street No. 3, Syndicate Enclave, Dabri More, New Delhi 110045, is a senior citizen and had filed the present complaint against her son Sh. Kapil Kukreja (Respondent no.1) and against his daughter in law Smt. Shalini Sharma W/o Sh. Kapil Kukreja (Respondent no.2), and sought eviction order against both the respondents residing at above said suit property on ground floor.

II. That the above said suit property is self acquired property of the complainant and she is the exclusive owner of the property. The property was purchased by the complainant in year 1986 and constructed the same from the income of her husband and her aged about 70 years.

III. That the complainant permitted both the respondents to reside in the ground floor of the suit property after their marriage as licensee. However both the respondents are quarrelling inside and outside of the property, which is intolerable to the complainant and her husband. All efforts of the complainant to get reconcile the matter have been failed. Litigations between both the respondents


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going on. The dispute between both the respondents and police often come to suit premises.

- IV. That the complainant's respect and honor in the society is spoiled by quarrelling behavior respondents.
- V. That both the respondents are residing on ground floor with their one son and have no right title interest in the suit property.
- VI. That the complainant apprehends danger to their life and property.
- VII. That on 19/03/2020 the complainant issued legal notice for eviction of respondents and to handover possession the possession of the first floor of the suit property, but respondents have not vacated the suit property.

JURISDICTION

As the complaint has been filed by the senior citizen for eviction of his son from his self acquired property, thus Rule 22(3)(1) empowers the DC/DM to entertain/adjudicate the complaint.

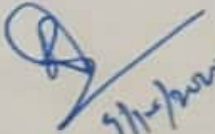
CONTENTION OF RESPONDENTS

That despite of issuance of numerous notice and summons by this court and service of notices and summons through concerned SHO also, the respondents have opted to not to present and file any proper reply.

SDM REPORT

In compliance of Rule 22(3) (iii) of "RULES" the report of the SDM (HQ) was submitted vide letter dated 27/07/2020. The main findings of the report, which confirms the complainant's version, of the SDM (HQ) were:-

- a. OWNERSHIP: Complainant Smt. Madhu Kukreja is the owner of the suit property. As per complainant property and ownership was not disputed.
- b. THREAT TO THE COMPLAINANT: Alleges physical/mental assault and threat to the life of the complainant by the respondents.
- c. REASON FOR EVICTION:
 - i. Respondents ill- treating the complainant and domestic dispute in between both the respondents and neighbors raised doubts on the character of Smt. Shalini wife of Sh. Kapil.


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- ii. Neighbors conforms that Smt. Shalini used abusive language with her in-laws.
- iii. The mental peace of the old couple is on stake.

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RELEVANT PROVISION OF LAW/ RULE APPLICABLE:

As the relevant rule for the purpose of relief sought by the complainant states as under : Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules, the Procedure for eviction from Property/residential building of senior citizen/parents is as under:-

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- (i) A senior citizen may make an application before the Dy. Commissioner/District Magistrate of his district, for eviction of his son and daughter or legal heir from his self acquired property on account of his non-maintenance and ill-treatment.
- (ii) The Dy. Commissioner/District Magistrate shall immediately forward such application to the concerned Sub-Divisional Magistrate 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 Dy. Commissioner for final orders within 21 days from the date of receipt of the Complaint/Application.
- (iv) The Deputy Commissioner during summary proceedings for the protection of senior citizen/parents shall consider all the relevant provisions of the said Act 2007. If the Dy. Commissioner is of opinion that any son or daughter/ legal heirs 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 Dy. 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.

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OBSERVATIONS / FINDINGS:-

That after considering the contentions of the complainant and the deliberate non participation of the respondents, clearly reveals and

represents the callous attitude of the respondents. Further, the SDM report has categorically stated that the suit property is owned by complainant and on account of fights and quarrels between the respondents, the complainant is not able to live a peaceful life in the suit premises. Further in respect to the reason of the eviction it is submitted by the SDM HQ in his report that the respondent is ill treating the complainant, and uses abusive language with the complainant. This fact is also affirmed in the enquiry from neighbors' also.

The Hon'ble High Court of Delhi in "Sunny Paul & Anr had held that,

"Keeping in view the aforesaid conclusions, this Court is of the view that the Act, 2007, amongst other remedies, provides for eviction of adult children in cases of parental abuse-like in the present case. Accordingly, the present writ petition and application are dismissed and the concerned SDM and SHO, Police Station Civil Lines, are directed to forthwith comply with the impugned order dated 1st October, 2015 passed by the Maintenance Tribunal, Central District, Delhi."

In Sachin and Anr Vs Jhabbu Lal and Anr the Hon'ble Delhi High Court has observed that:

"Here the house is self acquired house of the parents, son whether married or unmarried, has no legal right to live in that house and he can live in that house only at the mercy of his parents upto the time the parents allow. Merely because the parents have allowed him to live in the house so long as his relations with the parents were cordial, does not mean that the parents have to bear his burden throughout his life."

The Hon'ble High Court of Delhi, in Shadab Khairi & Anr Vs The State & Ors. has held that:

"The object for which the Act as well as the subject Rules, extracted hereinabove, were brought into force, namely, for the welfare of parents and senior citizens and for protection of their life and property, leave no manner of doubt that the Maintenance Tribunal constituted under the Act has the power and jurisdiction to render the order of eviction."

Finally the Hon'ble High Court in Smt. Darshna Vs The Govt. of NCT of Delhi & Ors. has held that:

"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

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right to reside in the premises of her in-laws cannot be greater than her husbands'. The expression "son and daughter or legal heirs" as used in the aforesaid Rules must also take within its sweep the families of the daughter/son, of a senior citizen. The term "legal heirs" must be understood in the broadest sense. Indisputably, a daughter-in-law is also a heir in certain circumstances (widow or a pre-deceased son)."

That on perusal of the record and the above stated judgments, it is evident that the respondents are inflicting torture and harassment to the complainant and her husband; thus respondent have no right to claim residential rights against the wishes of the complainant/senior citizen.

CONCLUSION:-


In view of the above, this court directs the respondents to vacate the property bearing House no. 51A, 1st floor, Raghu Nagar, Street no. 3, Syndicate Enclave, Dabri More, New Delhi 110045.

The respondents are directed not to interfere in the peaceful living & possession of the complainant of the suit property.

The SDM (Dwarka) to execute the present order and the SHO (Dabri), are directed to render the requisite assistance to the appellant in the execution of these orders.

This order should be executed after 30 days in terms of the Rule 22 Sub rule 3 Clause 3 of the Senior Citizen Rules 2009.

Given under my hand and seal on 27/10/2020


(RAHUL SINGH, IAS)
DISTRICT MAGISTRATE
DISTRICT- SOUTH WEST

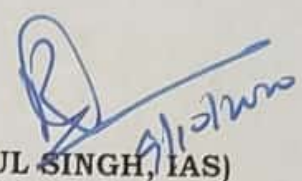
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Copy to:

1. Parties Concerned
2. DCP (Dwarka) - to ensure the execution of this order through the SHO concerned as per Rule 22 (3) (3) (ii) of the Delhi Maintenance and welfare of Parents and Senior Citizens Rules, 2009.
3. SDM (Dwarka)
4. SHO (Dabri)

Assistant Programmer, NIC, Kapashera, New Delhi
Guard File



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DISTRICT MAGISTRATE
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