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Landmark Victory for Senior Citizens' Rights: The Bombay High Court Upholds Eviction Order Under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

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In a landmark judgment, the Bombay High Court has reaffirmed the rights of senior citizens under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The case involved senior citizens Chandiram Anandram Hemnani and Sushila Chandiram Hemnani, who sought eviction of their son and daughter-in-law from their property. The High Court's decision highlights the importance of protecting the rights of the elderly and ensuring they can enjoy their property without undue interference.

Chandiram and Sushila Hemnani, aged 67 and 66 respectively, purchased a bungalow in Nandurbar, Maharashtra, in 2008. They allowed their son, Mukesh Chandiram Hemnani, and his wife, Ritu Mukesh Hemnani, to reside with them after their marriage. However, disputes arose, leading to a hostile environment and frivolous litigations filed by the daughter-in-law against the petitioners. The situation escalated to the point where the elderly couple felt compelled to seek legal recourse to protect their rights and property.

The petitioners invoked the provisions of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, to seek eviction of their son and daughter-in-law. The Tribunal, presided over by the Sub Divisional Officer, Nandurbar, ordered the eviction of the respondents on 18 February 2019. However, the daughter-in-law appealed this decision before the Senior Citizens Appellate Tribunal, which allowed her appeal on 7 August 2020. The Appellate Tribunal set aside the eviction order, directing the petitioners to approach the civil court for appropriate proceedings. Dissatisfied with this decision, the petitioners filed a writ petition in the High Court of Judicature at Bombay.

The petitioners argued that the Appellate Tribunal's decision was perverse and contrary to the spirit of the Act, which aims to protect the rights of senior citizens. They submitted that they were the absolute owners of the property and had allowed their son and daughter-in-law to stay out of kindness, which was misused. The petitioners highlighted that the daughter-in-law had filed frivolous litigations and criminal cases against them, causing harassment. They relied on judgments from previous cases, including Dattatrey Shivaji Mane vs. Lilabai Shivaji and Shweta Shetty vs. State of Maharashtra, to support their argument that the Act allows for eviction in such scenarios.

In response, the daughter-in-law claimed that she had the right to reside in the property due to pending matrimonial proceedings under the Hindu Marriage Act, 1955, and proceedings under the Domestic Violence Act, 2005. She also cited criminal proceedings against her husband and the petitioners under the Indian Penal Code. The respondents argued that the dispute was purely civil in nature and that the petitioners should approach the civil court for eviction.

The High Court, in its analysis, noted that the petitioners were the absolute owners of the property and that the respondents failed to establish any legal right to reside in it. The Court found that the Appellate Tribunal erred by considering the dispute as purely civil and directing the petitioners to approach the civil court. The Court emphasized that the Act is a beneficial legislation aimed at protecting the rights of senior citizens, and its provisions should be interpreted to advance its objectives. The conduct of the daughter-in-law, including non-compliance with court orders, warranted serious consideration.

The High Court allowed the writ petition and quashed the order of the Appellate Tribunal. The original order of the Tribunal directing the eviction of respondents No.3 and 4 was confirmed. The respondents were directed to vacate the petitioners' house within 30 days from the date of the judgment. The petitioners were awarded costs against respondents No.3 and 4.

This judgment highlights the importance of protecting the rights of senior citizens and ensuring they can enjoy their property without undue interference. It reaffirms the legislative intent behind The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and provides a clear precedent for future cases involving similar issues.

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