

Supreme Court's Ruling on Seniors' Right to Evict Relatives from Property under Maintenance Act

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Supreme Court on Seniors' Right to Evict Latest News

- The Supreme Court recently dismissed a suit filed by a senior couple seeking to evict their son from their home under the **Maintenance and Welfare of Parents and Senior Citizens Act, 2007**.
- The Act primarily aims to ensure that senior citizens receive financial support and care from their children, providing a simplified legal route for seeking maintenance.

- While the Act does not explicitly grant eviction rights, the Supreme Court has interpreted provisions related to property transfer to permit eviction in certain cases.

About Maintenance and Welfare of Parents and Senior Citizens Act, 2007

- Senior Citizens Act provides a streamlined process for senior parents to file suits seeking maintenance from their children.

Right to Maintenance

- **Who can claim:** Parents aged 60 and above who are unable to maintain themselves from their own earnings or property.
- **Against whom:** Children or legal heirs (relatives) are legally obligated to support their senior parents.
- **Purpose:** To ensure that parents can lead a “normal life” with basic needs met.

Dedicated Legal Mechanism

- **Tribunals:** The Act establishes Maintenance Tribunals for speedy resolution of cases.
- **Appellate Tribunals:** Set up to hear appeals against the orders passed by Maintenance Tribunals.

Protection in Property Transfers - Section 23

- **Section 23(1): Conditional Property Transfers**
 - A senior citizen may transfer or gift property on the condition that the transferee (usually a child or relative) provides basic amenities and physical needs.
 - If this condition is not fulfilled, the transfer is considered to have been made through fraud, coercion, or undue influence.
 - The Tribunal can declare the transfer void upon the senior citizen’s request.
- **Section 23(2): Maintenance from Transferred Estate**
 - If a senior citizen is entitled to maintenance from a property that is later transferred (fully or partly), this right of maintenance continues against the new owner—provided the new owner was aware of this obligation.

Previous Ruling on the Power to Evict

- A dispute arose involving senior parents, their son, and the daughter-in-law (DIL), who was living in the parents’ property.
- Multiple parallel legal proceedings were ongoing, including:
 - A divorce case between the son and DIL.
 - A maintenance case filed by the DIL.
- In 2015, the Assistant Commissioner ruled that the property belonged to the senior parents and that the DIL had no independent right over it.

Supreme Court’s Ruling

- The DIL appealed to the Supreme Court in 2020, arguing her right to stay in the shared household.
- The SC held that under the **Protection of Women from Domestic Violence Act, 2005**, a woman has the right to reside in the shared household, even without legal ownership.

Clarifying Tribunal's Power to Evict

- The Court addressed whether tribunals under the Senior Citizens Act could issue eviction orders.
- A bench led by then CJI D.Y. Chandrachud and Justices Indu Malhotra and Indira Banerjee held:
 - Eviction can be ordered if it is "necessary and expedient" to protect the senior citizen and ensure their maintenance.
 - Under Section 23(2), the power to order eviction is implicit in the senior citizen's right to receive maintenance from an estate.

Limits and Procedural Safeguards

- The Court emphasized that:
 - Eviction orders by the tribunal must consider the competing claims involved.
 - Eviction is permissible when there is a breach of obligation by the child or relative to maintain the senior citizen.
- This ruling established a **judicial interpretation** that, although not explicitly stated in the Act, **tribunals do have the power to evict**, provided it serves the purpose of protecting the rights and well-being of senior citizens.

Background of the Present Case

- The elderly couple filed a suit seeking to evict their son, alleging: Neglect of care; and Mental and physical torture by the son.

Tribunal's 2019 Order

- The Maintenance Tribunal granted partial relief, stating:
 - The son must not encroach on any part of the house without parental permission.
 - He was allowed to continue operating his utensil shop and residing in a room with his wife and children.
- The tribunal added that eviction proceedings could be revived if the son misbehaved again.

Appeal to the Supreme Court (2023)

- The parents, dissatisfied with the limited relief, appealed to the Supreme Court.

Supreme Court's Reasoning for Denial

- The Court found no evidence of further misbehavior or humiliation by the son after the 2019 tribunal order.
- It emphasized that:

- It is not necessary and mandatory to pass an order of eviction in every case.
- Hence, eviction was not warranted under the circumstances.

Conclusion

- This decision reflects the Court's approach to **weigh competing interests** and **avoid eviction** unless it is clearly justified by continued misconduct or violation of earlier orders.

Supreme Court on Seniors' Right to Evict FAQs

Q1. What is the Maintenance and Welfare of Parents and Senior Citizens Act?

Ans. The Act ensures senior citizens' maintenance, provides a legal framework for disputes, and safeguards property transfer conditions.

Q2. Can seniors evict relatives under this Act?

Ans. The Act doesn't explicitly grant eviction rights, but tribunals can issue eviction orders if needed to protect seniors.

Q3. What did the Supreme Court rule in this case?

Ans. The Court denied eviction, emphasizing eviction is not mandatory unless continued misconduct or breach of orders occurs.

Q4. What is Section 23 of the Act?

Ans. Section 23 protects seniors from property transfers that violate their right to maintenance, allowing tribunals to cancel such transfers.

Q5. What safeguards are in place for eviction under the Act?

Ans. Eviction can occur if a relative fails to maintain the senior, with tribunals considering competing claims and circumstances.

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