

CWP No.16002 of 2016

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.16002 of 2016
Date of decision:11.08.2016**

Shabnam

...Petitioner

Versus

Deputy Commissioner-cum-District Magistrate,
U.T. Chandigarh and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ankti Chowdhri, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is the daughter-in-law of respondent No.2 who was allegedly married to respondent No.3 on 02.12.2014. Respondent No.2 filed an application under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the “Act”) against the petitioner and his son/respondent No.3, which has been allowed.

Counsel for the petitioner has submitted that respondent No.3 is a two-times divorcee and that the house in question does not belong to respondent No.2, who is only a Power of Attorney holder of Nirmal Kaur. It is also submitted that respondent No.2 had earlier filed a suit for eviction and now the present application has been filed under Section 22 of the Act.

I have heard learned counsel for the petitioner and examined the available record from which it is found that respondent No.2 has been holding the General Power of Attorney of Nirmal Kaur in respect of the

CWP No.16002 of 2016

[2]

house in question for which Nirmal Kaur has executed a Will in his favour. Respondent No.2 had lodged repeated DDR against the petitioner and had disowned his son/respondent No.3 way back in 2002. The application under Section 22 of the Act has been filed because the petitioner has been harassing respondent No.2 and is not joining the matrimonial home of her husband/respondent No.3, who is living separately, despite the fact that a petition under Section 9 of the Hindu Marriage Act, 1955 has been filed against her. The finding recorded by the Competent Authority are perfectly justified as the petitioner, instead of living with her husband/respondent No.3, is threatening life and liberty of respondent No.2 despite the fact that both the petitioner and her husband/respondent No.3 are in government job and have sufficient means to live separately.

In view of the aforesaid discussion, I do not find any reason to interfere in the well considered order passed by the Competent Authority and hence, the present petition is hereby dismissed being denuded of any merit.

August 11, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No