
Date of Decision:21.09.2016

Vs.

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Mr. Rohit Chandel, Advocate and Mr. G.L. Aggarwal,
Advocate for the respondents.

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Respondent No.3 had also filed a suit for possession alleging that she is the

owner of the property in question and also served a notice to the petitioner asking him to vacate the property in question in which he has been living with his family as a licensee. The respondent No.3 has withdrawn the suit and the application filed for seeking vacation under the provisions of the Act has been allowed. Aggrieved against the said order, the present petition is filed.

Counsel for the petitioner has argued that the portion in occupation of the petitioner is constructed with his financial help but he could not produce any evidence in this regard either before the Court below or in this Court. He has further argued that respondent No.3 had filed a civil suit and thus he could not have filed the application under the Act. This argument is of no avail because the respondent has the right to invoke the provisions of the Act for the purpose of seeking vacation of the property in question.

As a matter of fact, the petitioner and his family and respondent No.3 along with her husband were present before me. Respondent No.3 is the mother. I had specifically asked her and her husband to reconsider their decision of seeking the eviction of their son and his family from the portion occupied by them, but both of them denied and submitted that the petitioner has been totally disrespectful to them and thus, they do not want his presence in their house which is owned by them and wanted to live the rest of their life peacefully as they are already of advanced age.

After hearing learned counsel for the parties and considering the totality of facts and circumstances, I do not find any merit in this petition for the purpose of interference but counsel for the petitioner made a

request that the petitioner may be allowed to vacate the house within ten days to which respondent No.2 did not object and hence while dismissing the petition on merits, the petitioner is permitted/ allowed to retain the house for another ten days for the purpose of searching alternative accommodation but it is made clear that no further time shall be granted.

September 21, 2016
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No