

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 5645 of 2016
Date of Decision: March 22, 2016

Jasbir Kaur and another

... Petitioners

Versus

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Ms. Jigyasa Tanwar, Advocate,
for the petitioners.

Paramjeet Singh Dhaliwal, J.

This is an avoidable and unfortunate litigation between father, son and daughter-in-law. Challenge in the instant writ petition is to order dated 24.02.2016 (Annexure P/5) passed by the Additional District Magistrate, S.A.S. Nagar (Mohali).

Brief facts of the case are that respondent no. 2 – Angrej Singh filed an application under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the “Act”) for eviction of the petitioners from House No. 1934, Phase-5, Mohali, to the effect that he is 75 years of age and owner of Kothi No. 1934, Phase 5, Mohali, which is his self acquired property and has been in

his possession for the last 20 years. He has two sons, who are married. One son Harmanjit Singh-Petitioner no.2 is married to petitioner no.1 – Jasbir Kaur. After a few days of marriage, neither behaviour of petitioner no.1 nor that of her parents was good and they had started saying that the property should be transferred in the name of petitioner no.1. In July, 2006, respondent no.2 had disinherited the petitioners. In the year 2011, Sukhvir Singh and Satnam Singh, brothers of petitioner no.1 forcibly entered the house in question and they also kept some articles there. An enquiry has also been conducted by S.S.P., SAS Nagar through S.H.O. Phase-I, Mohali in this regard. Vide order 24.02.2016 (Annexure P/5), the Additional District Magistrate, S.A.S. Nagar has directed the petitioners to vacate House No. 1934, Phase-5, Mohali and also directed the Senior Superintendent of Police, SAS Nagar to take appropriate action. Hence, this writ petition.

I have heard learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner vehemently contended that the impugned order passed by learned Additional District Magistrate is sketchy and cryptic and is not sustainable in the eyes of law.

Admittedly, respondent no.1-complainant is a senior citizen and is owner of House No. 1934, Phase-5, Mohali. This fact has been admitted in reply to the application moved by respondent no.2 before the District Magistrate, SAS Nagar (Annexure P/3). In para no.1 of the application, respondent no.2 has specifically alleged that he is 75 years old and resident of Kothi No. 1934, Phase-5, Mohali and is absolute owner. It

is a self acquired property. In reply (Annexure P/4), the petitioners have admitted para no.1. Meaning thereby, they are accepting that respondent no.2 is owner and is in possession. This is also admitted that petitioners are son and daughter-in-law of respondent no.2.

Now, the question arises as to in what capacity, the petitioners were residing in a part of the said house. In the year 2006, the petitioners had started residing in House No. 2644, Phase 7, Mohali and respondent no.2 had disinherited the petitioners. In the year 2011, the brothers of petitioner no.1 allegedly forcibly took the possession and put the petitioners in possession of the house in question. The petitioners kept pressing for transfer of the house in question in their name. The petitioners are allegedly harassing the senior citizen. The Additional District Magistrate, after considering the evidence, has rightly passed the order directing the petitioners to vacate the house in question.

The petitioners being son and daughter-in-law are only licencees. This issue has already been elaborately dealt with by this Court in **Manmohan Singh vs. Union Territory, Chandigarh and others, 2016 (1) RCR (Civil) 838.** A Division Bench of this Court in **Gupreet Singh vs. State of Punjab and others, 2016(1) RCR (Civil) 324** has also considered the same issue. It is categorically held that status of the son and daughter-in-law is only that of a licencee. Although, Civil Court has granted permanent injunction in favour of the petitioners but the same is only to the effect that they can not be forcibly dispossessed but can be dispossessed in accordance with law. Jurisdiction of the Civil Court is barred in respect of all matters falling within the jurisdiction of the Act in

terms of Section 27 thereof. Since the protection of life and property falls within the jurisdiction of the District Magistrate, therefore, the District Magistrate is competent authority to take steps for the protection of life and property of the senior citizen and has rightly passed the impugned order.

In view of above, I do not find any illegality or perversity in the impugned order.

Dismissed.

March 22, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge