

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

LPA No. 1801 of 2015(O&M)

Date of Decision: January 20 , 2016.

Manjit Singh

..... APPELLANT (s)

Versus

District Magistrate-cum-Deputy Commissioner,
Karnal and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE RAJIVE BHALLA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Parminder Singh, Advocate
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reports or not?
3. Whether the judgment should be reported in the digest?

RAJIVE BHALLA, J.

CM No.3878-LPA of 2015

Allowed as prayed for.

CM No.3879-LPA of 2015

Prayer in this application is to condone delay of 15 days in filing the appeal.

Heard.

For the reasons stated in the application and the arguments addressed, the application is allowed and delay of 15 days in filing the appeal is condoned.

LPA No.1801 of 2015

The appellant is aggrieved by order dated 30.10.2015 dismissing his

writ petition thereby rejecting challenge to an order of eviction, passed, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The appellant is the son of the private respondents who filed an application for his eviction alleging harassment etc. The Sub Divisional Magistrate, Karnal has, by order dated 30.10.2015, ordered his eviction.

Counsel for the appellant submits that the appellant contributed money to the purchase of the property on the basis of an agreement to sell. The Sub Divisional Magistrate, therefore, had no jurisdiction, much less under provisions of the aforesaid Act, to order the appellant's eviction. The Magistrate should have dismissed the petition and asked parties to approach a civil court to get the question of title determined.

We have heard counsel for the appellant, appraised the impugned order as well as the paperbook and in the absence of any evidence, much less any *prima facie* evidence to suggest that the appellant contributed any amount towards the purchase of house, find no reason, whether in fact or in law, to interfere with the impugned order. The appellant should have behaved himself with his aged parents, but appears to have taken advantage of their old age, leading to a situation where his parents were compelled to file a petition to seek his eviction.

Consequently, finding no merit, the appeal is dismissed.

(**RAJIVE BHALLA**)
JUDGE

(**LISA GILL**)
JUDGE

January 20 , 2016.