

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 745 of 2016(O&M)
Date of decision : February 16, 2016

Surinder Pal

..... Appellants

Versus

Smt. Vidya Devi

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rakesh Sobti, Advocate
for the appellants.

1. Whether reporters of 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?

Amit Rawal, J (oral).

The appellant-defendant is aggrieved of the concurrent finding of fact whereby the suit for mandatory injunction and for recovery of damages seeking eviction of the appellant-defendant from the suit property after revocation of the license has been decreed by both the courts below.

Learned counsel appearing on behalf of the appellant submits that civil court did not have jurisdiction in view of the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter called as 'the Act'). The claim as per Section 21, 22 and 27 of the Act is liable to be pressed into service before the District Magistrate and not trial court. The trial court has not adjudicated the aforementioned objections viz-a-viz maintainability of the suit, thus, there is illegality and perversity in the impugned order.

I have heard learned counsel for the appellant and

appraised the paper book.

The aim and object of the aforementioned Act deals with maintenance to parents by the children but the instant case is a case where the respondent-plaintiff has sought eviction of her son who was permitted to live in the house in question as a licensee and on revocation of the license filed suit for mandatory injunction. The suit has been filed invoking the provisions of Section 52 of the Indian Easement Act, 1882.

I am afraid that provisions of the 2007 Act do not apply to the present case as it deal with certain eventuality and situation which has yet not been pressed into service.

It is a settled law that the suit for mandatory injunction after revocation of the license on 11.12.2009 is maintainable.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

February 16, 2016
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