

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

CRR No.4652 of 2015 (O&M)

Date of Decision: 16.3.2017

Urmila

..Petitioner

Vs.

Ramesh Chander

..Respondent

CORAM: HON'BLE MRS.JUSTICE REKHA MITTAL

Present: Mr.Rahul Vats, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition directs challenge against the orders dated 5.12.2013 passed by Judicial Magistrate Ist Class, Sonapat and dated 19.9.2015 by the Sessions Judge, Sonapat whereby her claim for providing residential accommodation in a double storeyed house measuring 1280 square feet, situated in village Gangana, has been dismissed.

Counsel for the petitioner has submitted that as the house in question was owned by grand father of the respondent/husband, the petitioner can claim right of residence in the said house, being the ancestral property of the respondent.

I have heard learned counsel for the petitioner and perused the paper book and the records.

The Appellate Court in para 14 of the judgment has held that the petitioner could not establish that respondent is a member of Hindu co-parcenary family and the house at village Gangana was the property of Hindu undivided family, therefore, the house in question cannot be said to

be a shared household. It has further been held that the petitioner is working as a guest teacher at Sonapat, residing in Gali No.3, Malviya Nagar, Sonapat, therefore, her claim for residence in house at Gangana is not bonafide and has been made to cause harassment, particularly in the circumstances that she had given up the alternative relief of rent in lieu of residence order.

Counsel for the petitioner has not pointed out any materials on record to prove that the house in question is joint Hindu family co-parcenary property of which the respondent-husband is one of the members, thus, having right by way of birth. Even if the house in question was owned by his grand father being his self acquired property, the respondent cannot be said to have right in the property.

In view of what has been discussed here-in-above, no error much less illegality can be found in the consistent findings recorded by the courts below warranting intervention.

Dismissed.

16.3.2017
Meenu

(Rekha Mittal)
Judge