

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

**CWP-13700-2017 (O & M)
Date of decision: 14.11.2017**

Harvinder Kaur

....Petitioner(s)

V/s

The State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jagjot Singh, Advocate, for Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

Mr. BPS Virk, Advocate, for respondent No.3.

Mr. Satpal Singh, Advocate, for respondent No.4.

Rajan Gupta, J. (Oral)

Petitioner has posed a challenge to order dated 02.05.2017, Annexure P-5, passed by Additional Deputy Commissioner-cum Additional District Magistrate, SAS Nagar, whereby petition of respondent No.3 has been accepted directing that she would shift from First Floor to Ground Floor in view of her old age and respondent No.4 would provide all basic amenities such as medical help, food, clothing, etc. to her.

Aforesaid order has been challenged on the ground that there is a matrimonial dispute between the petitioner and her husband (respondent No.4 herein). It is inter alia contended that the petitioner entered into a compromise with her husband (respondent No.4). It was decided that respondent No.3 would shift from first floor to ground floor while the petitioner would occupy the ground floor till the renovation of first floor.

Stand of respondent No.4 is that he is no longer ready to abide by the terms of the compromise. On behalf of respondent No.3, it has been submitted that she is 97 years old and suffered a fracture recently. She is unable to climb the stairs and is almost bed-ridden.

I have heard learned counsel for the parties and after giving careful thought to the facts of the case that respondent No.3 is 97 years old. She invoked the jurisdiction of the court under the Act seeking maintenance as well as a request to be shifted to ground floor. Husband of respondent no.3 died in the year 1988. Respondent No.3 became owner of half of the share in the property thereafter. She is suffering from a number of age related diseases. In view of the fact and circumstances of the case, I am of the considered view that there is no infirmity with the order passed by the authority below. The matrimonial litigation referred to by the petitioner appears to be an attempt to hoodwink the court and defeat the provisions of the Act. Possibility of it being collusive in nature, cannot be ruled out. The plea that the authority did not have jurisdiction to entertain the petition is without any merit and is rejected. Petition is, thus, hereby dismissed.

Respondent No.2 shall ensure that the order is complied with at the earliest, in any case, not later than two weeks.

November 14, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No