

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

Civil Writ Petition No.13935 of 2017

Date of decision: 26.07.2017

Meenakshi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Ashish Naik, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge is to the order dated 7.4.2017 (Annexure P/1) passed by the Sub Divisional Officer(Civil)-cum-President, Maintenance Tribunal, Sonapat whereby the petitioner and her husband-respondent no.6 have been ordered to be ejected from the house in question on the application filed by respondent no.5-father-in-law of the petitioner.

The Tribunal has taken into account the fact that the petitioner and her husband-respondent no.6 are not looking after the aged parents and have also given beatings to them and asked them to transfer the house in their name. The statement of the petitioner and her husband were also recorded wherein they took the plea that they do not have sufficient income and they are not able to maintain themselves and they are not capable to look after the parents. In such circumstances the eviction order has been passed on 7.4.2017 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Counsel for the petitioner has vehemently submitted that it is on account of temperamental differences between respondent no.6 with his

father the issue has arisen and the petitioner would be prejudiced as such and she has been looking after her father-in-law for the last many years.

The said argument cannot be accepted. The petition was filed against both the petitioner and her husband and if the private respondent had no grouse against the petitioner and had a grouse only against his son, he would not have arrayed his daughter-in-law. Since the grouse was against the husband and the wife, there can be no relief only to the wife as such. If the said argument is to be accepted, it would only amount to the son again being in possession of the house through his wife and it will frustrate the whole purpose for which the order in question was passed.

Accordingly, finding no merit in the present writ petition, the same is dismissed in limine.

July 26, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No