

CWP No. 18567 of 2017

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

CWP No. 18567 of 2017

Date of Decision: August 22, 2017.

Manjit Kaur

....Petitioner

Versus

Additional Deputy Commissioner and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. S.L.Bhalla, Advocate
for the petitioner.

Rajan Gupta, J (Oral)

Petitioner has impugned the order passed by the authority under the Maintenance and Welfare of Parents & Senior Citizen Act, 2007 whereby eviction of son and daughter in law of Subedar Jaswant Singh has been directed by the said authority. It has been urged before the court that applicant Jaswant Singh is acting in collusion with his son while seeking her eviction. Petitioner is living in the premises alongwith two minor children. She has matrimonial discord with the husband. The authority ignored all these aspects while directing the eviction.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

Application was moved by Jaswant Singh, who is 72 years old. He contended that his wife had expired. Thereafter, his son and daughter in law started harassing him. Due to this reason, he disinherited both of them. He also alleged that he was abused and subjected to insult and his daughter in law even threatened him that she would implicate him

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in a false case. The authority below considered the entire issue. It sought a report from the Sub Divisional Magistrate regarding ownership of the property. It was reported that ownership of the house vested in Jaswant Singh. He also came to the conclusion that applicant was being harassed by his son and daughter in law. During the pendency of proceedings, he tried for conciliation many times but to no avail.

On due consideration of the matter, I find no ground to interfere in the writ jurisdiction. There is no merit in the plea that there is matrimonial discord between the husband and wife. It appears that this plea has been taken only after respondent-Jaswant Singh moved an application under the Act for eviction of the petitioner and her husband. Admittedly, marriage was solemnised in the year 2011. A query has been put to learned counsel whether any complaint regarding matrimonial discord was lodged by Manjit Kaur after her marriage till the date of filing of instant application. The answer is in the negative. The conclusion is inescapable that the plea of matrimonial discord has been raised with a view to defeat the effort of the aged father from seeking eviction of his son and the petitioner. There is no ground to interfere in the writ jurisdiction. Dismissed.

(Rajan Gupta)
Judge

August 22, 2017.

BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No