

In the High Court of Punjab and Haryana at Chandigarh.

**CWP- 2137 of 2017
Decided on 14.9.2017.**

Manu Aggarwal

Vs.

--Petitioner

State of Punjab and another

--Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.R.S.Pandher, Advocate, for the petitioner

Mr.Sourab Khurana, DAG, Punjab.

Mr.Arun Bansal, Advocate, for respondent No.2.

Mr.Gurmeet Singh, Advocate, for respondent No.3

Rakesh Kumar Jain,J: (Oral)

Respondent No.2 had two sons,namely, Shridhar Aggarwal (respondent No.3) and Vishwas Aggarwal (since deceased). The petitioner is the widow of Vishwas Aggarwal. She has filed this petition to challenge the order dated 17.11.2016 passed by the Addl. District Magistrate, SAS, Nagar, Mohali, on an application filed by respondent No.2 under Section 22 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (for short, the Act').

Learned counsel for the petitioner has submitted that the parties to the lis had entered into a settlement on 11.6.2015, according to which, insofar as the property in question is concerned, it was divided into three

parts and was shared by all the three parties, namely the petitioner, respondent Nos. 2 and 3 to the extent of 33.3%. As per this division, respondent No.2 got the top floor, the petitioner got the first floor and respondent No.3 got the ground floor.

Respondent No.2 filed an application for getting the ground floor of the property in dispute which is in possession of both respondent No.3 and the petitioner. Respondent No.3 is partly in possession as owner and the petitioner is partly in possession as lessee of respondent No.3.

Since the petitioner has been ordered to vacate the ground floor of the house in question, namely, Kothi No.1669, Phase-7 Mohali, therefore, she has challenged that order in this Court but during the course of hearing, the parties have agreed that in case the petitioner owns the settlement (Annexure P3) which is not only with regard to Kothi No.1669, Phase-7, Mohali but also regarding other properties which is part of the settlement, then the respondents would not defend the order of the Addl. District Magistrate, Mohali.

Mr.R.S.Pandher, learned counsel for the petitioner, after taking instructions from the petitioner, who is present in the Court, has submitted that the petitioner is ready and willing to abide by the settlement (Annexure P-3) in toto.

Learned counsel for the respondents have submitted that they have no objection if the order of the Addl.District Magistrate, Mohali, is set aside. I order accordingly. It is further directed that the parties shall be bound by the settlement (Annexure P3). It is needless to mention that learned counsel for the parties have stated that they would withdraw all

types of litigation which are pending in respect of this property against each other for which they would execute necessary documents.

14.09.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No.