

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

CWP No.26373 of 2017

Date of decision: November 20, 2017

Meetu Sagar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Bimal Maini, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner has impugned order dated 18.09.2017, passed by District Magistrate, Panchkula, allowing the application filed by her mother-in-law seeking eviction of petitioner from the house in question.

Sudha Sagar (respondent No.3 herein) filed a petition under the Senior Citizens Welfare and Maintenance Act, 2007 (hereinafter referred to as “2007 Act”) stating that petitioner and her husband had made her life miserable by picking up quarrels. In her old age, she was being subjected to mental and physical harassment. As she alongwith her husband were exclusive owners of the property, they had right to live peacefully without disturbance from any quarter.

It appears, the District Magistrate issued notice to the petitioner and her husband on 25.8.2017 and 13.9.2017. They failed to appear. As a result, the authority proceeded to decide the case. It is undisputed that respondent No.3 Sudha Sagar and her husband namely, Daya Sagar are

owners of the property and have right to live peacefully in their old age. There is, thus, no ground to interfere in writ jurisdiction of this court. Plea of the petitioner that matrimonial litigation between her and her husband has been pending, has no bearing on the proceedings under the 2007 Act. During the course of hearing, a query was put to the petitioner whether any complaint regarding matrimonial discord was made to any authority since solemnization of marriage on 9.12.2004. In response, it was stated that first complaint was made on 14.11.2016. In view of the fact that petitioner and her husband lived peacefully for almost twelve years and no complaint of harassment or maltreatment was made by the petitioner, possibility of this plea having been taken to defeat the rights of the respondent No.3 cannot be ruled out. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

November 20, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No