

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2389 of 2017 (O&M)
in CWP No.6440 of 2017
Date of Decision:- 18.12.2017

Sanjiv Sharma

... Appellant

Versus

State of Punjab and others

... Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill

Present:- Mr. Abhilaksh Grover, Advocate for the appellant.

Rajesh Bindal, J.

The appellant had earlier approached this Court by filing CWP No.2929 of 2016, challenging order passed by the Additional District Magistrate, directing vacation of the house by the appellant. Proceedings were initiated against the appellant under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The writ petition was dismissed on 19.8.2016. LPA No.1754 of 2016 in CWP No.2929 of 2016 filed by the appellant against the aforesaid order was withdrawn on 31.1.2017, with liberty to raise all the issues in the civil suit pending before the Court below regarding ownership of the property. Thereafter, CWP No.6440 of 2017 was filed challenging eviction order passed by the District Magistrate on 20.9.2016. The same was dismissed on 21.11.2017. Order has been impugned in the present appeal.

It is not in dispute that the appellant had raised the pleas before the Civil Court, where the civil suit is pending. In the application filed by the appellant in the civil suit under Order 39 Rules 1 and 2 CPC, interim

relief was granted only to the extent that alienation of property was stayed. Stay of dispossession was not granted. The appellant filed Civil Revision No.6479 of 2017 against the aforesaid order, which is stated to be pending in this Court.

Keeping in view the aforesaid facts and that in earlier round of litigation, eviction order had already been upheld by this Court, no interference is called for in the second round of litigation. There is no error in the order passed by the learned Single Judge.

The present appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

18.12.2017

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No