

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18148 of 2018
Date of Decision:26.07.2018

Sukhdev Singh and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Kiran Kumar Madan, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners have challenged the order dated 2.5.2018 passed by the District Magistrate, Jalandhar by which they have been ordered to vacate the property in question.

In brief, respondent No.3 is the father of petitioner No.1, who being a senior citizen, filed an application to the District Magistrate for seeking eviction of the petitioners under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short 'the Act']. After receipt of application, the District Magistrate sent it to the Sub Divisional Magistrate, Jalandhar-I for seeking a report in terms of notification dated 27.11.2014 as to whether the property in dispute is owned by the applicant/respondent No.3. The SDM sent the report that the property in dispute is owned by respondent No.3 but it is in possession of the petitioners whereas respondent No.3 is living at the mercy of another person somewhere-else because he is not even being allowed to enter his own

house. After taking into consideration the fact that respondent No.3, at the age of 73 years, is living at the mercy of other persons though he is entitled to live a comfortable life in his own house and that the petitioners have been harassing him, passed the order against the petitioners to vacate the house in question within a stipulated period and directed the Commissioner of Police, Jalandhar to provide necessary help to respondent No.3 for execution of the order.

Learned counsel for the petitioners has argued that the impugned order has been passed in their absence or *ex parte*.

I have heard learned counsel for the petitioners and after perusal of record, am of the considered opinion that there is no merit in his argument in view of a categorical finding recorded by the District Magistrate that the petitioners did not appear despite all efforts made for seeking their presence and in this regard, the following observations were made, which read as under: -

“On receipt of report, respondents were summoned to appear in this Court. The filed staff has reported that respondents have refused to accept the summons. It has also been reported that respondent No.2 misbehaved with the field staff. Notice was also issued through registered covers to the respondents. At last, Mushtri Munandi was also conducted vide rapat Rojnamcha No.987 dated 15.2.2018. Even then, respondents didn't appear in the Court. Accordingly they were ex parte by this Court on 19.4.2018.”

Thus, in view of the aforesaid facts and circumstances, there is no error on the part of the competent authority and there is hardly any reason for this Court to interfere in this petition.

Dismissed.

26.07.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*