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

**CWP No.20454 of 2017
Date of decision:22.05.2018**

Smt. Bala Devi

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. S.M.Tripathi, Advocate,
for the petitioner.

Mr. Sanjeev Ghai, Advocate,
for respondents no.1 and 2.

Rakesh Kumar Jain, J. (Oral)

The petitioner has challenged the order, passed by the District Magistrate, U.T., Chandigarh dated 20.07.2017, by which her application filed under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the "Act") has been rejected but the respondents therein were restrained from harassing the petitioner and were also directed to take care her properly. Besides that, the Station House Officer, Police Station Maloya, UT, Chandigarh was also directed to depute one Sub-Inspector of Police along with one Lady Constable to visit the petitioner fortnightly in order to ensure the protection of her life and to send the compliance report to the District Magistrate on monthly basis.

In pursuance to the notice issued by this Court, respondents no.3 and 4 filed their reply, in which it is averred that *"that the house in question was allotted in the name of father of respondent no.3, namely, Sh. Ilam Chand, who was the real father of the respondent no.3 and when he was alive, he had given her share to the respondent no.3 at second floor of the said house*

No.2164, Dadu Majra Colony, Chandigarh as per the family settlement. Since

then the respondent No.3 and her family members are residing in the house as an equally share holder of the house”.

Counsel for the petitioner has submitted that though the District Magistrate has rejected the application on the ground that respondent no.3, i.e. Rekha Devi, is the daughter of the petitioner but there is no evidence on record brought by the said respondent to prove that the share of the house in question was given to her by her father by way of a family settlement. Even no-one has put in appearance on behalf of respondents no.3 and 4 to contest this petition.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the matter requires a re-look by the District Magistrate, UT, Chandigarh to find out as to whether there is a family settlement in favour of respondent no.3 Rekha Devi, as averred by her in her reply.

In view of the above, the present petition is hereby allowed, impugned order dated 20.07.2017 passed by the District Magistrate, UT, Chandigarh is set aside only to the extent whereby he had rejected the application of the petitioner but rest of the directions, issued by him and noticed here-in-above, would remain the same, and the matter is remanded back to the District Magistrate, UT, Chandigarh to decide the issue again about the right claimed by respondent no.3 in the house/property in question on the basis of the alleged family settlement.

The parties are directed to appear before the District Magistrate, UT, Chandigarh, on 16.07.2018.

May 22, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No