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

CWP No.23453 of 2018

Date of decision: September 28, 2018

Sukhminder Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. P.B.S.Goraya, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners are the son and daughter-in-law of respondent no.3 who have challenged the order dated 26.07.2018 passed by the District Magistrate, Amritsar on an application filed by respondent no.3 under Section 22-C of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the "Act"), by which the petitioners have been ordered to be evicted from the house in question.

Counsel for the petitioners has argued that the District Magistrate has committed an error in passing the order of eviction because the petitioners had already filed a civil suit for permanent injunction in which *status quo* had been granted on 10.05.2018 whereas the notice was issued to the petitioners by the District Magistrate on 11.07.2018.

I have heard learned counsel for the petitioners and examined the available record with his able assistance.

As a matter of fact, the petitioners are not speaking the truth because the application under Section 22-C of the Act was filed by respondent no.3 on 20.04.2018, which is evident from Annexure P-4, whereas the suit was

filed by the petitioners thereafter on 09.05.2018, which is also evident from Annexures P-2. The prayer made in the suit by the petitioners was that they should not be dispossessed otherwise in due course of law. As soon as the District Magistrate issued notice to the petitioners after receiving the complaint of respondent no.3 for seeking their response, the petitioners filed CWP No.19660 of 2018, which was dismissed by this Court as not maintainable on the ground that no decision has been taken by the District Magistrate, Amritsar against the petitioners as they have been issued a show cause notice only to which they have a right to file reply. Thereafter, the reply was filed by the petitioners and contested the application filed by respondent no.3 before the District Magistrate. The District Magistrate found it as a fact that the property in dispute is owned by respondent no.3. It has also been found that the petitioners are misbehaving with respondent no.3 and in this regard, it has been observed in the impugned order that *“during the hearing of the case, the differences between both the parties regarding family dispute was quite apparent”*.

Thus, the District Magistrate has passed the impugned order in due course of law and the argument of the petitioner that the application under Section 22-C has been filed by respondent no.3 after their filing of the civil suit is not true rather the fact is otherwise.

In view of the above, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 28, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No