

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

**CWP No.30064 of 2017 (O&M)
Date of decision : January 01, 2018**

Megha Verma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Deepak Aggarwal, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioners are aggrieved of the order dated 29.11.2017 (Annexure P-4) passed by respondent No.2 i.e. District Magistrate, Jalandhar, vide which while exercising the powers under the Maintenance & Welfare of Parents and Senior Citizen Act, 2007, the present petitioners along with respondent No.4 have been ordered to vacate the property i.e. House No.78, G.F., Saraswati Vihar, Kapurthala Road, Jalandhar within 30 days from the date of receipt of the copy of the said order.

It comes out that respondent Nos.5 and 6, who are stated to be aged about 82 and 75 years invoked the provisions of Maintenance & Welfare of Parents and Senior Citizen Act, 2007 against their son Anand Verma-respondent No.4, daughter-in-law-petitioner No.1 and grand daughter-petitioner No.2, who were living with them in the said house.

A perusal of the impugned order shows that the husband and wife were heard before passing of the order.

Learned counsel for the petitioner states that in fact respondent No.4, who is the son of respondent Nos.5 and 6 is colluded with them. Respondent Nos.5 and 6 want to sell the said house. For which, they advertised in the Punjab Kesri Newspaper on 20.08.2017 (Annexure P-1).

It is further stated that the petitioners have already filed a complaint (Annexure P-2) under the Domestic Violence Act, 2007 before the Commissioner of Police, Jalandhar.

A perusal of the said complaint shows that it was filed on 05.10.2017 i.e. after the initiation of proceedings under the Maintenance & Welfare of Parents and Senior Citizen Act, 2007, i.e. on 04.10.2017.

Admittedly, respondent Nos.5 and 6 are the owners of the house in question. Before the eviction, petitioners along with respondent No.4 were living with respondent Nos.5 and 6 and there is no record of any *inter se* dispute between respondent No.4 with his wife.

In these circumstances, the impugned order dated 29.11.2017 (Annexure P-4) passed by the District Magistrate, Jalandhar, which is the speedy remedy provided to the senior citizen cannot be called arbitrary or illegal. There is no illegality or infirmity in the impugned order.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

January 01, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No