

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.7248 of 2018

Date of decision: October 11, 2018

Ramesh Chand

...Petitioner

Versus

The District Magistrate & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Raghav Sharma, Advocate for the petitioner.
Mr. Vishal Goyal, Addl. A.G. Haryana.
Ms. Harpreet Kaur Dhillon, Advocate with
Ms. Roop Rekha, Advocate for respondents No.2 & 3.

Rajan Gupta, J.(oral)

Petitioner has impugned order dated 27.12.2017, passed by
District Magistrate, Yamuna Nagar, operative part thereof reads as under:-

“I have heard the submissions of both the sides and perused the record available on the file, from which it is found that in house no.2449 two sons of the plaintiff (Respondents) Ashwani Kumar on the Ground floor and Sanjeev Kumar on first floor, are residing with their family. The other sons of plaintiff also have separate residential house. Plaintiff at present is residing properly with his other son at House No.2 Jain Nagar. Accordingly as per my view, it would not be justified to get the House No.2449 vacated from the respondents. Even otherwise, in view of the aforesaid, there is a property dispute between the family of plaintiff, and the matter of family property dispute does not come under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Hence, in view of the aforesaid, the petitioners/applicants petition/application is dismissed.”

It is evident that in the aforesaid order, neither provisions of the Act nor various judgments rendered on the issue have been discussed. The order appears to be non-speaking in nature. Learned counsel are *ad idem* on this.

Under the circumstances, the order passed by the authority is set-aside. Matter is remitted back to the same authority for decision afresh after affording opportunities of hearing to the parties. They shall be at liberty to bring to the notice of the authority the provisions of the Act as well as the judgments, they seek to place reliance upon. As the petitioner is 82 years old, the authority shall endeavour to decide the matter expeditiously, in any case not later than two months.

Allowed in these terms.

(RAJAN GUPTA)
JUDGE

October 11, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No