

**CM-131-LPA-2018 and
CM-3822-LPA-2017 in/and
LPA-1782-2017 (O&M)**

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

**CM-131-LPA-2018 and
CM-3822-LPA-2017 in/and
LPA-1782-2017 (O&M)
Date of Decision: August 07, 2018**

Surjit Singh

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.R.S.Randhawa, Advocate for the appellant.

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SURYA KANT, J.(ORAL)

CM-131-LPA-2018

Application is allowed subject to all just exceptions and
Annexures P-10 and P-11 (Colly) are taken on record.

CM stands disposed of.

LPA-1782-2017(O&M)

This Letters Patent Appeal is directed against the order dated
21.08.2017 whereby the learned Single Judge has dismissed the appellant's
writ petition alongwith a connected case.

[2] The facts are like this:-

[3] Smt.Jagjit Kaur, widow of late Dr.Surjit Singh, is the owner of
House No.84-C, Model Town Patiala. Her nephew Harwinder Singh

apparently manipulated a Gift Deed in his favour and claiming himself to be

the owner of the house on the strength of that Gift Deed, he made an attempt to throw out the old lady from her own house. She filed a complaint under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for brevity, 'the 2007 Act'), which was eventually compromised on 14.07.2016. Only 17 days thereafter, Harwinder Singh is said to have entered into an 'agreement to sell' for the said house in favour of appellant. It was obviously his second attempt to dislodge Smt.Jagjit Kaur from her own house. She is about 88-89 years old. She was again forced to approach the prescribed Authority under the 2007 Act and who has passed order in her favour which the petitioner as well as Harwinder Singh-nephew of Jagjit Kaur, challenged by way of two separate writ petitions, which have been dismissed by learned Single Judge.

[4] We have heard learned counsel for the appellant and do not find any merit in this appeal. There is clear collusion between appellant and Harwinder Singh to dispossess Smt.Jagjit Kaur from her house at this juncture of life. The appellant ought to have shown due diligence before entering into agreement to sell as it was a matter of record that Harwinder Singh was making abortive attempts to dislodge Smt.Jagjit Kaur from her house so as to sell the said property.

[5] We are told that the Gift Deed procured by Harwinder Singh from Jagjit Kaur has since been cancelled. We direct the Deputy Commissioner, Patiala to ensure that no instrument of transfer in respect of the house owned by Smt.Jagjit Kaur be registered in future during her life-

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voluntarily has executed such document. The authorities will also ensure that no harm or inconvenience is caused to Smt.Jagjit Kaur in the enjoyment of her property which must remain free from all incumbrances. As regard to the appellant's earnest money allegedly paid to Harwinder Singh, he may pursue his remedy in accordance with law for recovery of the said amount. However, the recovery or any such proceeding shall have no bearing on the rights of Smt.Jagjit Kaur.

[6] Disposed of.

**(SURYA KANT)
JUDGE**

August 07, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No