

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

LPA No.1298 of 2018(O&M)

Date of decision: 24.08.2018

Manpreet Singh

... Appellant

Versus

Additional Deputy Commissioner (J)-cum-Collector- Cum Additional
District Magistrate, SAS Nagar and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Baldev S. Sidhu, Advocate for the appellant.

KRISHNA MURARI, C.J. (Oral)

CM-3504-LPA-2018

For the reasons set out in the application, the delay of 191 days
in filing the appeal is condoned.

CM stands disposed of.

LPA-1298-2018(O&M)

This intra-court appeal under Clause X of the Letters Patent has
been filed by the appellant-petitioner challenging the judgment and order
dated 11.01.2018 passed by the learned Single Judge dismissing his writ
petition.

The facts are that appellant-petitioner is the son of respondent
No.2. An application was made by respondent No.2 under Section 22 of the
Maintenance and Welfare of Parents and Senior Citizens Act, 2007, wherein
Additional Deputy Commissioner (J)-cum-Collector, SAS Nagar, vide order
dated 14.11.2017, directed the appellant-petitioner to vacate the premises in
dispute, which admittedly belongs to respondent No.2. Admittedly, the
proceedings were initiated by respondent No.2 on the ground of misbehavior

and harassment caused to her by the petitioner. The ground of challenge before the learned Single Judge was that though the property is recorded in the name of respondent No.2, but since it has been purchased from the consideration received from the sale of ancestral property as such, he is also entitled to have a share therein.

In the absence of any evidence brought on record in this regard, learned Single Judge disbelieved the averment and accordingly dismissed the petition.

Having heard learned counsel for the appellant, we also find no material to substantiate the claim made by the appellant that he has any share or right in the house in question. Thus, we find no fault with the order of the learned Single Judge requiring any interference. The appeal is thus devoid of merits and accordingly stands dismissed.

At this stage, learned counsel appearing for the appellant made a request to allow some reasonable time to vacate the premises.

Considering the fact, the appellant is allowed one month's time to vacate the premises subject to giving an undertaking on affidavit to be filed within a week from today before the Additional Deputy Commissioner (J)- cum- Collector, SAS Nagar that the house in question shall be vacated within one month and peaceful possession shall be handed over by him to respondent No.2.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

24.08.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO