

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

Letters Patent Appeal No. 556 of 2019 (O&M)

Date of Decision: 27.03.2019

Arun @ Pintu and another

.....Appellants

versus

Ram Lal and another

.....Respondents

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

Present : Mr. U.K.Agnihotri, Advocate, for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (oral)

CM No. 1311-LPA of 2019

Heard. For the reasons mentioned in the application, delay of 42 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 556 of 2019

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 17.12.2018 passed by the learned Single Judge dismissing the writ petition filed by the appellants.

2. We have heard learned counsel for the appellants.

3. The petitioners-appellants challenged an order dated 30.10.2018 passed by the District Magistrate, Ambala, allowing the application made under section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007') filed by respondent-Ram Lal, father of the appellants, making a prayer for eviction of the appellants from the residential property. The application was made on the ground that the appellants herein who are the sons were misbehaving and harassing him. The District Magistrate allowed the application filed by respondent No.1 requiring the appellants herein to vacate the house in question within 30 days from the date of order. The fact cannot be disputed that the appellants were living in the house in the capacity of sons of respondent No.1 having

no independent right and thus were only the licensee and have been directed to be evicted in accordance with the provisions of the Act of 2007.

4. Learned Single Judge finding no infirmity in the order dismissed the writ petition.

5. Learned counsel for the appellants vehemently contended that since the appellants are ready to pay maintenance to respondent No.1, there is no justification for issuing direction for their ejection.

6. The argument is misconceived. Under the provisions of the Act of 2007, the claim of maintenance by parent/senior citizen against his children or any of his relative referred to in clause G of Section 2 is quite independent and distinct from the rights conferred upon the senior citizens for protection of life and property under action plan as envisaged in Section 22 of the Act falling under Chapter-V.

7. Thus even if the appellants are ready and willing to pay the maintenance to respondent No.1, that would not save them from eviction in proceedings under section 22 of the Act on the allegations of misbehaving and harassing respondent No.1. Thus, we find no reason to take a view different from the one taken by the learned Single Judge.

8. In the facts and circumstances, the impugned order passed by the learned Single Judge does not call for any interference. The appeal accordingly fails and stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.03.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√