

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

L.P.A. No.1484 of 2019 in
Civil Writ Petition No.40643 of 2018
Date of decision: September 24, 2019

Aradhana Jagota

...Appellant

Versus

Additional Deputy Commissioner-cum-
Additional District Magistrate, SAS Nagar
and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Naveen Batra, Advocate for the appellant.

Ms.Monica Chhibber Sharma, AAG, Punjab.

Mr.Hemant Bassi, Advocate for
the caveator-respondent No.2.

HARINDER SINGH SIDHU, J.

1. This Letters Patent Appeal has been filed against the judgment dated 17.05.2019 in CWP No.40643 of 2018 titled 'Aradhana Jagota vs. Additional District Commissioner-cum-Additional District Magistrate, SAS Nagar' whereby the writ petition filed by the appellant was dismissed.
2. The appellant had filed the writ petition challenging the order dated 29.11.2018 of the Additional District Commissioner-cum-Additional District Magistrate, SAS Nagar vide which the appellant and her husband – respondent No.3 had been ordered to be evicted from House No.HL-470, Phase-VII, Mohali under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the 2007 Act').
3. The case of the appellant was that her marriage was solemnised

with respondent No.3- Anil Kumar on 01.02.2001. They have two children Mohit and Mannat aged about 14 and 05 years. The appellant along with her husband and children has been residing on the 1st floor of House No.HL-470, Phase-VII, SAS Nagar Mohali. Respondent No.2 Joginder Pal, father-in-law of the appellant is residing on the ground floor along with his elder son and his family. Soon after her marriage the appellant was harassed by respondent No.2 for dowry causing her to file a complaint against him under the Protection of Women from Domestic Violence Act, 2005. As a counter-blast respondent No.2 filed the complaint under the 2007 Act following which the appellant and her husband have been ordered to be evicted.

4. Respondent No.2 on the other hand pleaded that the appellant and respondent No.3 have been subjecting him to cruelty. They pressurised him to give them money for purchase of a residential plot. He transferred an amount of Rs.4.49 lacs into their joint account. With that money a residential plot was purchased by them in the name of the appellant. The appellant and respondent No.3 continue to humiliate him. They even restricted his movements in his own house. Disgusted with their behaviour he issued a public notice in 2017 disinheriting them from his property

5. Taking into consideration that the property in question was the self acquired property of respondent No.2 and the report of the Sub-Divisional Officer, the District Magistrate ordered eviction of the appellant and respondent No.3.

6. The Learned Single Judge dismissed the petition. He relied on

a decision of a Division Bench of this Court in **Gurpreet Singh vs. State of Punjab and others 2016 (1) RCR(Civil) 324** wherein, it has been held that once a senior citizen makes a complaint to a District Magistrate against his son to vacate the premises, the son who is a licensee would have no right to resist the eviction. The Ld. Single Judge rejected the contention of the appellant that the daughter-in-law does not come under the definition of a legal heir by noticing that the eviction order had been passed against the son of respondent No.2 as well as the appellant.

7. The property in question is the self acquired property of respondent No.2. He has been harassed and humiliated by the appellant and her husband. He is a widower. He was forced to give Rs.4.49 lacs to the appellant and her husband. With that amount they have purchased a residential plot at Mohali. The eviction of the appellant and her husband was rightly ordered.

8. There is no infirmity in the impugned orders.

9. This appeal is dismissed.

(RAJIV SHARMA)
ACTING CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

September 24, 2019
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No