

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

**CWP-2977-2019**

**Date of Decision: January 17, 2020**

**BIMLA DEVI**

..... Petitioner(s)

**Versus**

**DISTRICT MAGISTRATE, SHRI MUKTSAR SAHIB AND ORS.**

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Sandeep Kumar, Advocate  
for the petitioner.

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**LISA GILL, J.**

The petitioner is aggrieved of the order dated 21.08.2018 (Anneuxre P-2), passed by learned District Magistrate, Shri Muktsar Sahib, whereby application under Sections 21 & 22 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (for short the 'Senior Citizen Act') seeking eviction of respondents no.2 to 5 from the property in question has been dismissed. The application has been dismissed on the ground that the property in question is depicted to be owned by Surja Ram Memorial Foundation Charitable Trust (Regd.), therefore, application qua the said property, by the present petitioner was held to be not maintainable.

Learned counsel for the petitioner has argued that the property in question had in fact been given to the above said Charitable Trust by the petitioner's husband namely late Choudhary Parlad Kumar vide a registered transfer deed dated 24.07.2006, therefore, the petitioner's application has been wrongly dismissed. The petitioner, a trustee of the said Trust and a senior citizen, has rightly sought eviction

of the respondents from the property in question. Thus this petition, it is prayed, should be allowed, the impugned order dated 21.08.2018 be set aside and eviction of respondents no.2 to 5 be ordered.

Learned counsel for the petitioner had sought an adjournment on 04.02.2019 to substantiate his arguments with relevant judicial pronouncements to the effect that when a property is transferred in favour of a Charitable Trust, though the mutation of which is still pending, would be amenable to be the subject matter of an application for eviction under the Senior Citizens Act and wherein admittedly the senior citizen is not owner of the said property. Number of adjournments have been sought by learned counsel for the petitioner. Till date, learned counsel for the petitioner is unable to cite any judicial pronouncement or any other provision of law to this effect. It is a matter of record that the petitioner herself has pleaded in her application that the house in question was transferred to the above mentioned Charitable Trust by her husband vide a registered transfer deed dated 24.07.2006. The petitioner along with her daughter and grand-daughter are the trustees of the said Trust. Learned counsel is unable to bring to my notice any provision of law which entitles the petitioner to any relief under the Senior Citizen Act.

Keeping in view of the above, I do not find any ground what-so-ever to interfere in the order dated 21.08.2018, passed by learned District Magistrate, Shri Muktsar Sahib.

This petition is accordingly dismissed.

**17.01.2020**

Sunil

**(LISA GILL)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |