

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

208

**CWP-512-2019 (O&M)
Date of Decision: 23.08.2022**

Manglam

..... Petitioner

Versus

Union Territory Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajnikant Upadhyay, Advocate,
for the petitioner.

Mr. K.K.Chahal, Advocate,
for respondent No.4.

Mr. Vijay Dahiya, Advocate,
for respondent No.5.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 13.12.2018 (Annexure P-2) passed by respondent No.3, whereby the appeal No.10 of 2018 filed by the petitioner has been dismissed and the impugned order dated 30.08.2018 passed by respondent No.2 in an Application filed by respondent No.4 to the Additional Deputy Commissioner, U.T., Chandigarh, (Annexure P-1) by treating the same under Sections 21 and 22 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, without proper inquiry and completely against the provisions of the said Act.

Vide order dated 22.01.2020, the matter was referred to the Mediation and Conciliation Centre of this Court to explore the possibility of amicable settlement between the parties.

Now, a report dated 05.02.2020 has been received from the Mediation and Conciliation Centre of this Court depicting the fact that the dispute has been amicably settled between the parties with the following terms and conditions:-

Terms and Conditions

Now, the parties present here have decided to finalise the terms of settlement which are as under:-

(1) It has been agreed and accepted between the parties that Vijay Singh, Manglam and their two sons namely- Abhishek aged about 19 years and Vaibhav aged about 13 years shall shift to Government accommodation allotted to Vijay Singh. Before shifting, Vijay Singh shall furnish the House with all required articles i.e. T.V. Refrigerator, Gas Stove etc. along with connection, bed, sofa, almirah alongwith necessary articles required for the family for daily use. Vijay Singh and Manglam shall shift to Government accommodation after complying with condition (2) below and within two months from today.

(2) It has been agreed and accepted between the parties that Vijay Singh shall report to the Hon'ble High in this regard alongwith photographs on the date fixed by the Hon'ble High Court in the present case.

(3) It has been agreed and accepted between the parties that Vijay Singh shall not surrender the Government accommodation till his retirement and till the date it is permitted to be retained by the Department.

(4) It has been agreed and accepted between the parties that Vijay Singh shall be responsible for the kitchen expenses and for payment of power and water charges etc.

(5) *It has been agreed and accepted between the parties that Vijay Singh shall be responsible for the school fee and other expenditure of the younger son Vaibhav, who is presently studying in Aashiana Public School, Sector-46, Chandigarh.*

(6) *It has been agreed and accepted between the parties that Vijay Singh, as far as possible shall not consume liquor at residence.*

(7) *It has been agreed and accepted between the parties that both the parties have assured each other to help each other in maintaining peace and harmony in the house.*

(8) *It has been agreed and accepted between the parties that None of the family members from either side in any manner interfere in the peaceful life of this family. In case of any goodwill visit, Vijay Singh and Manglam shall discuss with each other.*

(9) *It has been agreed and accepted between the parties that both the parties shall make a joint prayer either in person or through counsel in the instant CWP for getting an adjournment beyond six months, so that the parties are able to execute the terms of present settlement. Similarly the proceedings instituted under the provisions of Domestic Violence Act, shall also be got adjourned as above to facilitate the execution of terms of present settlement.*

(10) *The parties are consciously restoring normalcy of relationships between two families and have therefore agreed that both the parties shall respect the parents and other family members of both sides.*

(11) *It has been further agreed and accepted between the parties that in case any party backs out from the present compromise, in that event the other party shall have the right to pursue the cases from the stage from*

which it was withdrawn in pursuance to the present compromise.

(12) It has been further agreed between the parties that none of the parties shall file or pursue any unwanted litigation against each other.

(13) The parties have gone through and have been explained the contents and terms of settlement and after going through, admitting to put their respective signatures.

(14) The parties have received a duly executed copy of present settlement.”

In view of the above, the present petition is disposed of in terms of the settlement mentioned herein-above.

(RAJBIR SEHRAWAT)
JUDGE

23.08.2022
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No