

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

CWP-16067-2021(O&M)

Date of decision: April 25, 2022

Jyoti

.....Petitioner

versus

District Magistrate cum Appellate Authority and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Prabhjot S. Waraich, Advocate for the petitioner.

Mr. Sumeet Jain, Additional Standing Counsel,
For the respondent-UT, Chandigarh.

ARUN MONGA, J (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Mandamus directing respondent No.1 District Magistrate Chandigarh to ensure immediate compliance of the order dated 22.05.2014 (Annexure P-4) passed in favour of petitioner's father-in-law (now deceased) under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Petitioner was married to Parveen Kumar and resided at matrimonial home along with her husband, Father-in-Law (Sh. Sham Sunder) Mother-in-Law, Brother-in-Law and his wife Rajni and their two Children. The Father-in-Law disinherited (sic disowned) respondents No.4 and 5 on 22.09.2010. Later on 21.04.2014, he filed an application under the Senior Citizens Act for evicting respondents No.4 and 5 due to frequent quarrels though he had disowned them on 22.9.2010. The application was allowed vide order dated 22.05.2014 and respondents no. 4 and 5 along with family was ordered to vacate house within 15 days. The father-in-law died on

08.11.2014 and he had earlier executed a registered will in favour of the petitioner.

3. On dated 20.08.2021, the following order was passed:-

*“Case taken up through video conferencing.
Mr. Sumeet Jain, APP, UT, Chandigarh states that this petition is not maintainable since for getting possession of the house in question, the petitioner is required to move the Civil Court.
Counsel for the petitioner seeks some time to cite law in support of her contention that such petition is maintainable.”*

4. Today learned counsel for the petitioner through the civil miscellaneous application bearing CM-4977-CWP-2022 seeking placing on record additional submissions regarding Maintainability.

5. A perusal of the above, no plausible explanation has come forth.

6. An application does not seem to be maintainable by the daughter-in-law seeking enforcement of ejectment order, which is passed at the instance of her deceased father-in-law, who has since died before enforcement of the said ejectment order.

7. Application as well as main case is dismissed.

8. Parties are at liberty to seek their appropriate civil remedy, which may be otherwise available under law.

9. Dismissed in view of the observations already made in the order dated 20.08.2021 passed by this Court.

(ARUN MONGA)
JUDGE

April 25, 2022
Vandana

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