

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CWP-12676-2016 (O&M)****Date of decision: May 16, 2022**

Kiran Singla

....Petitioner

versus

Raj Singla and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Rajesh K. Sharma, Advocate for the petitioner.

Mr. Ashish Sindher, Advocate for

Mr. Sanjeev Kodan, Advocate for respondent No.1.

None for respondents No.2 and 3.

ARUN MONGA, J. (ORAL)**CM-17336-CWP-2019**

Through this application, learned counsel for the petitioner seeks to implead respondent No.3 as contesting respondent, who is already a proforma-respondent.

Application is disposed of with the observations that once respondent No.3 is already a party, merely because he is recited as proforma, would not warrant fresh application seeking his impleadment by changing recital from proforma to contesting.

Needless to say being respondent No.3 having been already served, it is for him to watch his interest. In the absence thereof, whatever be the orders passed, same shall be equally binding on him being already party herein.

Main case (O&M)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 09.06.2016 (Annexure P-6), whereby,

respondent No.2 has ordered the eviction of the petitioner from her matrimonial house on an application moved under Sections 21 and 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Petitioner got married to respondent No.3-Denesh Singla on 13.07.2013 but their marriage fell on rocks later. Petitioner was allegedly thrown out of said accommodation and she then started living with her parents at Bathinda. Petitioner also preferred a petition later on under Section 9 of the Hindu Marriage Act, 1955 for restitution of the conjugal rights, but the same was withdrawn on account of a compromise. Notwithstanding, respondent No.1 moved an application under Sections 21 and 22 of the Act of 2007 against the petitioner and her son-respondent No.3. Respondent No.2-District Magistrate, U.T., Chandigarh passed the impugned order dated 09.06.2016 (Annexure P-6) directing the petitioner and respondent No.3 to vacate the said premises within 15 days.

3. Concededly, petitioner is currently not staying at her matrimonial home. Since it is essentially a matrimonial dispute between petitioner and respondent No.3, no grounds for interference are made out.

4. Disposed of. Parties are left to seek recourse to their remedies which are otherwise available in law before the competent court and it is made clear that competent court shall adjudicate the *inter se* matrimonial rights of parties without being influenced by the orders impugned herein.

(ARUN MONGA)
JUDGE

May 16, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No