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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-3674-CWP-2022 in/and
CWP-21945-2021

Date of decision: 12.09.2022

Nirlap Malhotra

.....Petitioner

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Parampreet Singh Paul, Advocate
for the petitioner

Mr. Sandeep, Additional AG, Punjab

Mr. Manu K Bhandari, Advocate
for respondents No. 4 and 5

Mr. Saajan Singla, Advocate
for respondent No. 6

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Rajbir Sehrawat, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing order dated 07.09.2021 (Annexure P-5) passed by the Additional District Magistrate, Patiala, whereby respondent No. 3 has ordered eviction of the petitioner under the Maintenance and Welfare of Parents and the Senior Citizen Act, 2007.

During the course of arguments, the parties have arrived at the settlement, under which respondent No. 6 (husband) has offered to the petitioner either the residential accommodation as contained in House No. 4, Narula Colony, Ayurvedic College Road, Patiala or to pay the amount equivalent to the rent; which respondent No. 6 is paying for the said property *i.e.* approximately Rs.26,000/- per month.

The petitioner has acceded to the offer of receipt of money for the residential accommodation. She has stated that if respondent No. 6 pays Rs.26,000/- per month regularly, she will not claim anything else on account of 'right of residence' before any authority.

Counsel for respondent No. 6, on instructions from respondent No. 6, who is present in the Court, has accepted this arrangement and has stated that respondent No. 6 will pay to the petitioner an amount of Rs.26,000/-, by 7th of every month by transfer in her bank account either through RTGS mode or any other electronics means.

In view of the above, it is ordered that the petitioner shall vacate the house, involved in the present litigation, by 7th October, 2022. The respondent No.6 shall pay to the petitioner an amount of Rs.26,000/- per month by transferring the amount to account of the petitioner by way of RTGS or any other electronic means, on or before 7th of every month. The first installment of money, as agreed above, shall be deposited by respondent No. 6 in the petitioner's bank account on or before 7th October. The said amount shall be deposited in the petitioner's bank account *i.e.* A/c No.501xxxxxxxx072, HDFC Bank, Patiala branch (details thereof, has been separately provided to counsel for respondent No. 6 in Court, itself).

The present petition is disposed of in the aforesaid terms.

It is, however, clarified that a single default on the part of respondent No. 6 in making the payment, as ordered above, would make the present settlement/order passed by this Court as ineffective and the petitioner shall be free to get the present petition revived.

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Dismissed as infructuous.

(Rajbir Sehrawat)
Judge

September 12, 2022

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