

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1129-2022

Date of Decision : 20.12.2022

Poonam Mehla

..... Appellant

Versus

District Magistrate-cum-Deputy Commissioner, Kurukshetra and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present : Mr. Ravinder Malik (Ravi), Advocate for the appellant.

VIKRAM AGGARWAL, J

1. The present Letters Patent Appeal assails the judgment dated 23.11.2022, passed by the learned Single Bench vide which the writ petition filed by the appellant seeking quashing of the order dated 11.01.2022 (Annexure P-6 with the writ petition) (reference to annexures hereinafter shall indicate reference to annexures with the writ petition), passed by respondent No.2 was disposed of while upholding the said order.

2. The facts, as emanating from the record, are that the marriage of the appellant was solemnized with Sukhbir Singh, son of respondents No.3 and 4, on 07.12.2015. On 28.03.2017, a son was born out of the wedlock. As per the appellant, after sometime of her marriage with Sukhbir Singh, respondents No.3 and 4 started harassing her for having brought insufficient dowry. A complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 was filed by the appellant against respondents No.3 and 4 which was pending when she filed the writ petition. Respondents

No.3 and 4 filed a petition under the Maintenance and Welfare of Parents and Senior Citizen's Act, 2007 (hereinafter referred to as 'the 2007 Act') seeking protection of their life and property from the appellant and her husband. The said petition was dismissed vide order dated 10.02.2021 (Annexure P-1), passed by respondent No.1, by stating that respondents No.3 and 4 were taking undue advantage of the 2007 Act and were conspiring to evict the appellant out of their house under the garb of the said Act. Respondents No.3 and 4 preferred a writ petition i.e. CWP-12960-2021 challenging the said order dated 10.02.2021 (Annexure P-1). However, vide order dated 16.07.2021, the said writ petition was disposed of with liberty to respondents No.3 and 4 to approach respondent No.1 in case of any threat to their life and liberty. Since the matter was not cooling down and respondents No.3 and 4 had started harassing the appellant even more, she got an FIR (Annexure P-4) registered against respondents No.3 and 4. Respondents No.3 and 4 again filed a petition (Annexure P-5) dated 18.10.2021 under various provisions of the 2007 Act before respondent No.2. In this petition, respondents No.3 and 4 prayed for possession of the front room of the house as also the protection of their life and liberty. By way of the order dated 11.01.2022 (Annexure P-6), respondent No.2 granted possession of the front room on the ground floor to respondent No.3 and also directed the appellant to not interfere in the peaceful occupation of the house of respondent No.3. This order was challenged by the appellant by filing a writ petition which was dismissed by the learned Single Bench.

3. Aggrieved by the decision of the learned Single Bench, the present Letters Patent Appeal has been preferred.

4. We have heard learned counsel for the appellant.

5. It has been submitted that the learned Single Bench erred in dismissing the writ petition. It has been contended that the provisions of the 2007 Act cannot be misused with the purpose of evicting an innocent daughter-in-law from the household on account of personal differences. It has been argued that the learned Single Bench lost sight of the fact that the husband of the appellant had abandoned the appellant and her son and had fled to USA leaving the appellant and her son in the lurch and to add to her miseries, respondents No.3 and 4 had also turned against her and were trying to evict her from the only roof on her head. It has also been contended that the learned Single Bench, therefore, erred in dismissing the writ petition filed by the appellant and upholding the illegal and arbitrary order passed by respondent No.2.

6. We have considered the submissions made by learned counsel for the appellant and have also perused the record of the writ petition but are unable to agree with the submissions advanced by him. Admittedly, the husband of the appellant who is the son of respondents No.3 and 4, is living abroad since 2018. The circumstances are, therefore, tough for the appellant as also for respondents No.3 and 4. Relations between in-laws on the one hand and daughter-in-laws on the other hand are normally seen to turn sour in such circumstances. The house in question situated in Urban Estate, Kurukshetra is owned by respondents No.3 and 4. As per the appellant, respondents No.3 and 4 started harassing her whereas as per respondents No.3 and 4, the appellant started misbehaving with them. Admittedly, the appellant and her son are living on the ground floor out of which one room in

the front is stated to have been kept as a guest room for the old aged parents of respondents No.3 and 4 who were stated to be 90 years and 82 years of age respectively. The appellant started claiming possession over the said room also and started quarrelling with respondents No.3 and 4 over the said room. The learned Single Bench rightly observed that since the house belonged to respondents No.3 and 4, they had a right to use it the way they liked and though the appellant was having a right to stay in the house, she could not claim right over the entire ground floor. The learned Single Bench rightly found that respondent No.2 had legally permitted the appellant to reside at the ground floor except for only one room on the front side. She still had sufficient accommodation at her disposal for herself and her son. It has to be borne in mind that the house in question measures just about 90 square yards. It has three rooms at the ground floor with a store room, bathroom and kitchen and two rooms at the first floor besides one small room (mumty) at the second floor. Respondent No.2, therefore, rightly struck a balance and permitted the use of one room at the ground floor to respondents No.3 and 4 for their old aged parents. The learned Single Bench also rightly upheld the said decision. We also do not find any illegality in these orders.

7. In view of the aforesaid, we do not find any merit in the said appeal and the same is hereby dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

20.12.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No