

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.450 of 2023

Date of Decision: January 11, 2023

Rajinder Singh & another

...Petitioners

Versus

The District Magistrate, Hoshiarpur & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Navraj Singh, Advocate,
for the petitioners.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari for setting-aside the orders dated 17.08.2021 and 20.09.2022 passed by Sub-Divisional Magistrate, Garhshankar and District Magistrate, Hoshiarpur, respectively under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby firstly, the petitioners were directed to pay monthly maintenance of Rs.4000/- to the senior citizen (respondent No.3), and subsequently, eviction of petitioners from the residential house of senior citizens was ordered.

Learned counsel has argued that senior citizen-respondent No.3, who is mother of petitioner No.1, has four children, who all are married and apart from them, she is treating one Kamlesh Bagga @ Kala as her son, who, in connivance with the mother and sisters of petitioner No.1, started harassing the petitioners, and on 29.09.2018 he entered the house of

the petitioners and gave beatings to petitioner No.2, which resulted in registration of case FIR No.113 dated 06.10.2018 (Annexure P-1) against Kamlesh Bagga and sister of petitioner No.1, namely, Kamlesh Kaur. According to him, subsequently the matter was compromised and petitioner No.1 had gone abroad in February, 2020 to earn his livelihood, however, respondent No.3, in connivance with Kamlesh Bagga and sisters of petitioner No.1, moved an application under the Maintenance and Welfare of Parents and Senior Citizens Act, whereupon vide order dated 17.08.2021, petitioners were directed to pay monthly maintenance of Rs.4000/- to the senior citizen. Learned counsel pointed out that subsequently another application was filed by the senior citizen for eviction of the petitioners from the residential house and the same has also been allowed vide order dated 20.09.2022. He has vehemently argued that the said property consists of five rooms and out of it, petitioners are residing in two rooms, whereas the remaining accommodation is being used by respondent No.3 (mother) and these two applications under 2007 Act were filed as a counter-blast to the FIR lodged by petitioner No.2. He further submits that the senior citizen is also drawing monthly pension of Rs.3000/-from the Government under Old-Age Pension Scheme, but all these attending circumstances were ignored by the District Magistrate while accepting the claim of respondent No.3. He prays that the impugned orders be set-aside and the applications filed be dismissed.

After hearing the learned counsel and analyzing the material on record, this court finds that vide order dated 17.08.2021, only a maintenance of Rs.4000/-was directed to be paid to the senior citizen and the said decision is based upon the report from Tehsildar, Garhshankar. The Sub

Divisional Magistrate, Garhshankar observed that the old couple has no source of income, therefore, it was ordered that the petitioners shall pay them a maintenance of Rs.4000/- per month. Considering the amount of the maintenance as well as the relations of the parties, no case for interference with order dated 17.08.2021 is made out.

Further, while examining the order dated 20.09.2022 ordering eviction of the petitioners from the residential house of the senior citizen, this court finds that the same is also based upon correct appreciation of pleadings of the parties and material on record. Nothing has been brought to the notice of the court to question the title of the property in favour of the senior citizen and concededly the relation between the mother and son has reached the extreme level of bitterness, therefore, the District Magistrate, Hoshiarpur has rightly ordered the eviction of the son from the house in order to extend peaceful atmosphere to the senior citizen to live in.

Dismissed.

January 11, 2023
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No