

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

120

CRR-162-2023 (O&M)

Date of decision: 17.01.2023

VIJAY SINGH AND ANR

..... Petitioners

Versus

RANI AND ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr. Sunny K. Singla, Advocate
for the petitioners.

ALOK JAIN, J. :

CRM-2150-2023

Prayer in the application for condonation of delay of 2 days in
filing the present petition.

For the reasons recorded in the application, the same is
allowed. Delay of 2 days in filing the present petition is condoned.

CRR-162-2023

The present revision petition has been preferred against the
judgment dated 12.10.2022 passed by the learned Additional Sessions
Judge, Sangrur upholding the order dated 31.05.2022, rather modifying it.

Learned counsel for the petitioner submits that both the learned
Courts below have fell in error in allowing the application of the
respondent/complainant on the ground that the said property is a self-
acquired property of the petitioners and the respondents have no role or
right to reside there.

Learned counsel for the petitioners has relied upon the judgment passed by this Court in the case of ***“Jagdev Singh Vs. Paramjit Kaur and others” 2017(2) RCR(Civil) 330***, to contend that a wife can assert her rights, if any, only against the property of her husband but not against the parents of her husband. He also relies upon the judgment passed by this Court in the case of ***“Sangeeta Vs.Om Parkash Balyan and another” 2015 (3) RCR(Civil) 495*** to contend that the daughter-in-law has no right against father-in-law to occupy any portion of self-acquired property of the father-in-law against his wishes.

A perusal of the record shows that the application was filed by the complainant only to seek directions to the respondents to restore the electricity connection of the applicant/complainant to the first floor where the daughter-in-law was residing with her children. Admittedly, the proceedings under Section 23 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is pending where the the petitioners have already claimed the relief that the complainant and her husband should be evicted from the said premises.

Having heard learned counsel for the petitioners and after going through the record, I do not find any infirmity in the order dated 31.05.2022 passed by the Court below as the application was only for restoration of the electricity connection by installation of meter which the complainant claimed to have existed prior to the filing of the present petition. The entire act of disconnection of the electricity connection seems to be only to torture and harass the complainant and create a situation where she is forced to leave the premises without proper adjudication by the competent Court.

The judgments cited by learned counsel for the petitioners are

not attracted as in those cases eviction had already been ordered against which the parties were before this Court.

The learned Court below has rightly directed the electricity connection to be restored and a separate sub-meter be installed and to safeguard the interest of the petitioners, a direction has been issued to deposit a sum of Rs. 20,000/- in the shape of FDR in the Court, so that in case there is a default in payment by the complainant, the old age in-laws, who are the petitioners herein are not put to any financial liability.

Accordingly, the present petition is dismissed.

(ALOK JAIN)
JUDGE

17th January, 2023
Sapna

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No