

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

**CWP-18949-2019 (O&M)
Date of decision-16.01.2023**

Rajni Devi

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Karan Singh, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. A.K. Khubbar, Advocate,
for respondent No.4.

MANOJ BAJAJ, J. (Oral)

Petitioner-Rajni Devi has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of order dated 26.06.2019 (Annexure P-8), whereby the application filed by respondent No.4, seeking her eviction from the house was accepted by District Magistrate, Kurukshetra.

Learned counsel for the petitioner has argued that the son of respondent No.4 had matrimonial litigation with the petitioner, therefore, the petition was filed by the mother-in-law against the petitioner with an

oblique motive to seek her eviction from the matrimonial home without impleading her son. He submits that otherwise also, the petition seeking eviction of daughter-in-law would not be maintainable under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'Maintenance Act, 2007'). He submits that previously, a civil suit was filed by respondent No.4 for permanent injunction to seek possession of the subject property against the petitioner and her husband, but the same was withdrawn and pursuant to the application filed under Maintenance Act, 2007, the authorities have wrongly ordered the eviction of the petitioner. He submits that the impugned order is not sustainable and deserves to be set aside.

At this stage, Mr. Khubbar, learned counsel for respondent No.4 submits that the petitioner had lodged all types of litigation against her husband and mother-in-law and all criminal proceedings were decided against the petitioner. He has produced the copy of decision dated 03.12.2022 by Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhari to contend that the marriage between petitioner Rajni Devi and her husband Satbir Singh stands dissolved and the grounds of cruelty set up by the son of respondent No.4, were accepted. He further submits that in the petition, the petitioner has not disclosed the fact that pursuant to the impugned order, the property in question had already been vacated by her on 10.07.2019. Learned counsel prays that the petition be dismissed.

After hearing the learned counsel for the parties and considering their submissions, this Court finds that no doubt there was plenty of litigation between the petitioner and her mother-in-law, but during

the pendency of the petition, even petitioner's marriage with her husband is dissolved. Apart from it, the impugned order dated 26.06.2019 directing eviction of the petitioner already stood implemented, therefore, at this stage, this Court is not inclined to address the issue raised in this petition on merits, as concededly, the petitioner never pressed for restoration of her possession of the property in question.

Thus, in the above background, this Court is not inclined to exercise writ jurisdiction under Article 226 Constitution of India, however, the issue of maintainability of petition by mother-in-law against daughter-in-law/Petitioner, is left open to be decided in some other appropriate case.

Dismissed.

(MANOJ BAJAJ)
JUDGE

16.01.2023

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