



LPA-108-2019 (O&M)

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-108-2019 (O&M)
DATE OF DECISION: 03.10.2024

MAMTA

.....APPELLANT

Vs.

DISTRICT MAGISTRATE KARNAL AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Karanvir Singh Jawandah, Advocate,
for the appellant.

Mr. Ankur Mittal, Addl. A.G., Haryana, with
Mr. Saurabh Mago, D.A.G., Haryana.

G.S.SANDHAWALIA, J. (ORAL)

1. The present Letter Patent Appeal has been filed against the order dated 20.12.2018 passed by learned Single Judge in CWP-16236-2018, who had rejected the challenge raised by the appellant to the order dated 11.04.2018 (Annexure P-1) passed by the District Magistrate, Karnal (respondent No. 1), whereby the application under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007, (for short '*the Act of 2007*') had been accepted and the appellant and her husband had been directed to vacate the house in question within a period of 30 days from the date of the order.

2. Vide the said order, dated 11.04.2018, the appellate authority, i.e. the District Magistrate, Karnal, had come to the conclusion that house

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No. 189, Moti Nagar, Karnal, as such, had been purchased by the senior citizen Pyare Lal in the year 1988 from his self acquired income. The present appellant, along with her husband, were residing at the first floor and had thus been directed to vacate the premises. In such circumstances, learned Single Judge did not chose to interfere in the said order.

3. During the course of arguments, it transpires that the senior citizen, as such, has expired and his legal representatives, i.e. his two daughters were brought on record, vide order dated 25.08.2022. As per the office report, notices issued to the LR's of respondents No. 2 have been served but no one has put in appearance on their behalf.

4. It was noticed in the order dated 25.07.2023 that husband of the petitioner (respondent No. 3 in the present appeal) has also expired. It is thus, apparent that now the issue of inheritance would naturally come into force. If the appellant has any such legal rights, she is free to invoke the same in the Court of competent jurisdiction. The factual finding which has been recorded against her by respondent No. 1 as such, is not liable to be interfered with.

5. It is however, brought to our notice that she is residing with three minor children in the portion of the house.

6. In such circumstances, we are of the considered opinion that the order of eviction dated 11.04.2018 (Annexure P-1) passed by the District Magistrate, Karnal (respondent No. 1) can be deferred for a period of 06 months to ensure that the appellant, as such, makes alternative arrangements to shift out the premises.



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7. The appeal is accordingly disposed of with liberty to the appellant to claim her rights to the property in question, in accordance with law.

(G.S. SANDHAWALIA)
JUDGE

October 03, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No