



CWP-222-2019 (O&M)

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

(204)

CWP-222-2019 (O&M)
Date of Decision : 24.09.2025

Sewak Singh (since deceased) through his LR

...Petitioner

Versus

Additional Deputy Commissioner-cum-
Collector, Rupnagar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vijay Lath, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Saurabh Bahmani, Advocate
for respondent No.2.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for quashing of the order dated 30.08.2018 (Annexure P-6), passed by the learned Maintenance Tribunal, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter to be referred as 'the Act of 2007'), wherethrough, the application filed by the petitioner (since deceased), seeking eviction of respondent No.2-Mandeep Singh (son of the deceased petitioner), was declined.
2. Through the instant petition, the grounds, which are taken for eviction, before the learned Tribunal concerned, are that the petitioner allowed the respondent No.2, to use first floor of the house, in question.



However, he misused the said concession, and thereafter, has started causing harassment and hindrance in day-to-day life of the senior citizen.

3. Learned counsel for the petitioner has apprised this Court, that during the pendency of the instant writ petition, unfortunate, the demise of the petitioner, senior citizen has occurred on 14.04.2025, and thereafter, the application CM-9429-CWP-2025, for imploding his wife, as LR of the petitioner was moved, which was allowed by Coordinate Bench of this Court, by drawing an order dated 08.07.2025.

4. He further submits that by virtue of the Will, the house in question, is bequeathed to Narinder Kaur, who is now petitioner, before this Court. In addition, he submits that the situation *qua* her is also the same, as she is also facing the similar kind of treatment from his son-Mandeep Singh, respondent No.2.

5. This Court has perused the entire record, and finds that Narinder Kaur, who is now the LR of the deceased petitioner-Sewak Singh, was not a party to the *lis*, before the learned Maintenance Tribunal concerned, and the latter has not examined the submissions *qua* her, therefore, the LR of the deceased/petitioner, who is also a senior citizen, can file an independent application before the learned Maintenance Tribunal, raising all such pleas, which are now sought through the instant writ petition.

6. In view of the above, considering the peculiar circumstances of the instant case, Narinder Kaur, who is also a senior citizen, as well as, LR of the deceased/petitioner, is relegated to the learned Maintenance Tribunal, for redressal of her grievance, at the first instance.

7. Consequently, the instant writ petition is **disposed of**.

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8. Needless to say, that in case, LR of the deceased/petitioner, prefers apt motion, before the learned Maintenance Tribunal, within a period of four weeks, from the date of receipt of certified copy of this order, the latter shall make all endeavours to decide the same, after affording due and effective opportunity of hearing to the parties, within a period of four months, thereafter.

9. Pending applications, if any, stands disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

September 24, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No