



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CM-13873-CWP-2023 in/and
CWP-2837-2023
Date of Decision : 07.04.2025

Poonam Devi

...Petitioner

Versus

Bhagwan Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Hitesh Chopra, Advocate with
Mr. Amit Kumar, Advocate for the petitioner.

Mr. Parveen Moudgil, Advocate for respondent No. 1.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 16.01.2023 (Annexure P-3) passed by the District Magistrate, Gurugram by which the petitioner has been directed to vacate the premises in question, which premises belongs to respondent No. 1-senior citizen.

2. Learned counsel for the petitioner submits that as per the family settlement reached between all the family members, the house in question was to come to the share of the petitioner's husband but, he unfortunately died and the petitioner is living in the said house since the year 2000. Learned counsel for the petitioner further submits that as the petitioner was apprehending that the said property would be taken away from the share of the petitioner by the respondent No. 1-senior citizen in connivance with the



other son of the respondent-senior citizen, the petitioner filed a Civil Suit being CS/3233/2021 titled as *Lovenish Singh etc. Vs. Bhagwan Devi*, which suit is pending and an interim injunction has been granted in favour of the petitioner so as to maintain the status quo qua the possession of the said property.

3. Learned counsel for the petitioner submits that by ignoring the said interim injunction to maintain the status quo qua the property, impugned order has been passed by the authorities exercising jurisdiction under 2007 Act directing the petitioner to vacate the premises, which order is incorrect. The prayer of the petitioner is that till the interim injunction continues to operate in favour of the petitioner, no order contradictory to the said interim injunction could have been passed by the authorities exercising jurisdiction under 2007 Act.

4. Upon notice of motion, the respondents have appeared. Learned counsel for respondent No. 1-senior citizen submits that all the efforts will be made to finalize the issue raised by the petitioner in Civil Suit described here-in-before and in case, the said suit is decided or the order interim injunction to maintain the status quo qua the property is vacated giving thereby any authority to the respondent-senior citizen to avail remedy under 2007 Act being the owner of the house in question, the said right will be exercised by the respondent-senior citizen by again approaching the authorities exercising jurisdiction under 2007 Act for the purpose of getting the petitioner vacated from the house in question.



5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. As, learned counsel appearing on behalf of respondent No. 1 has conceded the fact that there is an order of interim injunction passed by the Competent Court of Law with regard to the proceedings initiated by the petitioner qua the same property, therefore, when there exists an injunction order to maintain the status quo qua the property in favour of the petitioner so as to retain the possession of the house in question, the order which has been passed by the authorities exercising jurisdiction under 2007 Act giving direction to petitioner-daughter-in-law to vacate the house in question, is contrary to the direction already given by Competent Court of Law, cannot be accepted.

7. Further, as per the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 3822 of 2020 (Arising out of SLP (C) No. 29760 of 2019) titled as ***Smt. S Vanitha Vs. The Deputy Commissioner Bengaluru Urban District & Ors.***, decided on 15.12.2020, it has been held that where a daughter-in-law is being asked to vacate a premises and qua the same premises the daughter-in-law has already availed the remedy through Civil Court and has consequently got an interim order in her favour, the same has to be looked into by authority exercising jurisdiction under 2007 Act so as to create balance of equities.

8. The authorities concerned exercising jurisdiction under Section 2007 Act though, have noticed the said pendency of the dispute between the



party in the Civil Court qua the same property but has not recorded any finding qua the same and has rather ignored the same.

9. Keeping in view the facts and circumstances of the present case, the impugned order dated 16.01.2023 (Annexure P-3) is set-aside. However, the liberty is granted to the respondent-senior citizen that after the decision of the Civil Court in the Civil Suit filed by the petitioner or if the interim injunction granted in favour of the petitioner is vacated and thereafter any right exists with the respondent-senior citizen so as to get the property vacated under 2007 Act, she can avail the said remedy before appropriate forum again.

10. Present petition is allowed in above terms.

11. Pending miscellaneous application, if any, also stands disposed of.

April 07, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No