

**CWP-5668-2020****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****211****CWP-5668-2020****Date of Decision :11.02.2025****Jodha Singh****...Petitioner****Versus****Additional District Magistrate, S.A.S. Nagar
and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Gursher Singh Bhandal, Advocate for the petitioner.

Mr. Ramesh Malik, Advocate for respondents No.2 & 3.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the order dated 14.01.2020 (Annexure P/1) passed by the Additional District Magistrate, S.A.S Nagar by which, the application filed by the petitioner-senior citizen under Sections 21 & 22 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (in short, '2007 Act') for directing the respondent No.2-son and respondent No.3-daughter-in-law to vacate the premises in question, has been dismissed.

2. Learned counsel for the petitioner-senior citizen submits that the petitioner-senior citizen is a retired Army personnel and as he has threat to his life at the hands of respondents No.2 and 3, he had moved an application under Sections 21 & 22 of the 2007 Act for directing the



CWP-5668-2020

-2-

respondent No.2 and 3 to vacate the premises in question.

3. Learned counsel for the petitioner-senior citizen further submits that the said application has wrongly been dismissed by the Additional District Magistrate exercising power under 2007 Act hence, the impugned order dated 14.01.2020 (Annexure P/1) may kindly be set aside and the application of the petitioner-senior citizen should be accepted so as to give appropriate direction to the respondents No.2 & 3 to vacate the premises in question.

4. Upon notice of motion, respondent No.2 & 3 appeared.

5. Learned counsel appearing for respondents No.2 & 3 submits that as per the order passed, the present petition is confined only qua the claim against respondent No.2-son and the claim raised against respondent No.3, who is a daughter-in-law of the petitioner-senior citizen was waived of hence, once the respondent No.3-daughter-in-law can live in the premises in question concerned, it cannot be said that her husband i.e. respondent No.2 has to vacate the premises so as to dislodge the family on the asking of the petitioner-senior citizen.

6. Learned counsel for the respondents No.2 & 3 further submits that the property in question is having four floors and in the half of the ground floor, respondent No.2 along with his wife and two sons are living and the other half of the property on ground floor is in the possession of the petitioner-senior citizen, who is also having the possession of the 1st floor along with his other son whereas, the 2nd and 3rd floors have been given on rent. Learned counsel for the respondents No.2 & 3 further submits that apart from the rent being fetch by the petitioner-senior citizen, he is also



CWP-5668-2020

-3-

getting handsome pension hence, the question of maintaining him does not arise.

7. Learned counsel for respondent No.2 & 3 submits that qua the argument of the learned counsel for the petitioner-senior citizen that the life and liberty of the petitioner-senior citizen is at stake, no such incident has ever been brought to the notice of the authorities concerned to the effect that the said averments can be believed to be true. Learned counsel for the respondents No.2 & 3 submits that a legal and valid order has been passed by the authorities concerned hence, the impugned order dated 14.01.2020 (Annexure P/1) passed on the application of the petitioner-senior citizen may kindly be upheld.

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

9. The senior citizens have been given a right to get the accommodation vacated in case, there is a threat to the life and liberty of the senior citizen. Learned counsel for the petitioner-senior citizen was asked to point out any material evidence before the authorities concerned to show that at any given point of time the life and liberty of the petitioner-senior citizen was under threat. No such material evidence has been brought to the notice of this Court so as to treat the impugned order dated 14.01.2023 passed by the authorities concerned to be perverse. Even otherwise, respondents No.2 & 3 are living in half of the property in question along with their children.

10. Further, the relief against respondent No.3-daughter-in-law has been waived of by the petitioner-senior citizen, which is clear from order

**CWP-5668-2020****-4-**

dated 02.03.2020 passed by this Court. The relief against the respondent No.2-son is not admissible as the respondents No.2 and 3 are husband and wife hence, it cannot be said that the wife will be allowed to live in the house whereas the husband will live somewhere else. A family cannot be dislodged on the asking of the petitioner-senior citizen.

11. Even otherwise, claim of the petitioner-senior citizen that the life and liberty of the petitioner-senior citizen is at threat at the hands of the respondents No.2 & 3, cannot be accepted as the other son of the petitioner-senior citizen is living with him on the 1st floor and there are tenants on the 2nd and 3rd floors. That being so, it cannot be said that the presence of the respondents No.2 & 3 in the property in question is causing danger to the life and liberty of the petitioner-senior citizen.

12. Further, the petitioner-senior citizen is not seeking maintenance as he has resources to his credit more than the resources of respondents No.2 & 3.

13. Keeping in view the totality of the facts and circumstances, no ground for interference by this Court is made out in the impugned order and the writ petition is accordingly dismissed.

14. Civil miscellaneous application pending, if any, is also disposed of.

February 11, 2025
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No