



LPA-601-2025 (O&amp;M)

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

201

**LPA-601-2025 (O&M)  
Date of Decision: 24.04.2025**

Sh. Arun Kumar

.....Appellant

Vs.

Tarsem Lal Arora and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL  
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Sachit Khurana, Advocate,  
for the appellant.

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**SUDEEPTI SHARMA, J.**

1. Present Letters Patent Appeal under Clause X of the Letters Patent is preferred against judgment dated 18.01.2025 passed by learned Single Judge in **CWP-497-2022** titled as '**Tarsem Lal Arora Vs. The Additional District Magistrate and another**'.

2. Learned counsel for appellant contends that the learned Single Judge did not appreciate the fact that female members of the family have a right to secure residence, therefore, the impugned judgment dated 18.01.2025 is totally unjustified, unfair and illegal and, therefore, is liable to be set aside.

3. We have heard learned counsel for the appellant and perused the whole file of the case.

4. Before proceedings further, it would be relevant to reproduce relevant portion of impugned judgment dated 18.01.2025 passed by learned Single Judge in **CWP-497-2022** titled as '**Tarsem Lal Arora Vs. The Additional District Magistrate and another**':-



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

*10. The question which arises for adjudication before this Court is whether the senior citizen, who owns a particular property has right to live peacefully in the said property or not in case he has any grievance or any apprehension of threat to his life or reputation.*

*11. The findings recorded by the Tribunal while rejecting the claim of the petitioner-senior citizen for eviction is on the ground that no proof of torture or maltreatment is met out to the senior citizen at the hands of respondent-son, his wife and his daughters. Learned counsel appearing on behalf of the respective parties have not been able to rebut a fact that the complaints which have been filed by the parties concerned against each other were before the authorities concerned at the time of adjudicating the plea of the petitioner-senior citizen under the 2007 Act. It may be noticed that the torture or maltreatment has to be understood keeping in view the allegations which have been made by the either parties against each other. Against the petitioner, who is a senior citizen aged about 84 years, the daughters of the respondent-son have made a complaint with regard to peeping from the window as and when they were alone and the police was called to help them out. Allegations at the hands of the grand-daughter against their grandfather are very serious, which reflects upon the character and reputation of the grandfather. Once the said allegations have been alleged against a senior citizen without there being any action in furtherance of the complaint so as to prove the said allegations, it cannot be said that senior citizen has not been*



*maltreated. The allegations against the reputation are good enough to be treated as maltreatment and harassment of a senior citizen, who is only praying that he should be allowed to enjoy his own property without fear or any harassment or maltreatment. The authorities concerned exercising jurisdiction under 2007 Act have failed to consider the facts in the correct perspective so as to hold that there is no proof of torture or maltreatment to a senior citizen in the facts and circumstances of the present case.*

*12. Further, the daughters of the respondent-son called the police qua the said grievance, which fact has gone un rebutted during the arguments. Hence, an unsubstantiated allegation upon the character of a senior citizen has to be treated as harassment.*

*13. Even otherwise, as of now, the situation has further changed. The respondent-son has already vacated the premises in question and has shifted to his own house but the premises in question is still under his lock only to restrict the senior citizen from enjoying his own property. The question which now arises is whether, the petitioner-senior citizen should be allowed to use his own property which belongs to him, once his son has already vacated the said property along with his family.*

*14. The argument of the learned Senior counsel for the respondent-son that even if, the son is not residing in the property in question but he has a right to retain the possession of the same under lock and key, cannot be accepted. The benefit which has been given to a senior citizen under 2007 Act to enjoy his property carries more weight as compared to the claim of the respondent-son to*



*use the said property to the exclusion of the owner, who is a senior citizen.*

15. *Learned Senior counsel for the respondent-son has placed reliance upon the judgment of the Coordinate Bench of this Court in **CWP-17520-2017 titled as Gian Singh vs. Additional Deputy Commissioner and another decided on 21.08.2017** and submits that once the proceedings were pending before the Civil Court, another parallel proceedings cannot be initiated or allowed to be continue and hence, once the respondent-son has already filed a civil suit to retain the possession of the property in question, the petitioner-senior citizen cannot avail the remedy under the 2007 Act.*

16. *It may be noticed that in the said petition, the senior citizen was availing two remedies i.e. before the Civil Court as well as under the 2007 Act. In the present case, there is no other remedy, which has been availed by the senior citizen qua the property in question except that one under 2007 Act. Once, the petitioner-senior citizen has not availed any other remedy except under the 2007 Act, judgment in **Gian Singh (supra)** is not applicable in the present case as the senior citizen in the present case has only availed the remedy under the 2007 Act, which fact has gone unrebutted.*

17. *Keeping in view the above, order passed by the Additional District Magistrate, Panchkula dated 22.10.2021 (Annexrue P/13) is set aside. The claim of the petitioner-senior citizen is allowed. As the son has already vacated the premises in question but the same is under his possession under the lock & key, the respondent-son is directed to handover the keys of the lock to the senior citizen within a period of two weeks*



*from the date of receipt of copy of this order especially, when counsel as well as respondent-son are present in the Court and knows about the present order being passed today.*

*18. No other argument is raised.*

*19. The present petition is allowed in favour of petitioner-senior citizen however, same will be subject to any order to be passed by the Civil Court in case, any such remedy is availed by the respondent-son and the same is permissible under law.*

*20. Present petition is allowed in above terms.”*

5. A perusal of the above shows that appellant herein is the son of respondent No.1, who is a senior citizen aged about 84 years. Factum of complaints against respondent No.1 by the daughter-in-law and grand daughter is on record, wherein, serious allegations against respondent No.1, who is a senior citizen, were levelled, which itself proves torture and maltreatment at the behest of the appellant. It further proves that respondent No.1 had to face complaints with regard to his character at the age of 84 years and he was not able to live peacefully in his own property. Admittedly, at this age, senior citizen/parents require peaceful living under the care and protection of their children, whereas, in the present case, respondent No.1 is dragged into litigation.

6. Further perusal of the file shows that appellant vacated the premises in question and shifted to his own house but premises in question are still under his lock & key only, which restricted the senior citizen from enjoying his own property. Learned Single Judge, while allowing the petition filed by respondent No.1-father (senior citizen aged about 84 years), directed

the appellant to handover keys of the lock to respondent No.1 within two weeks from the date of passing of impugned judgment dated 18.01.2025. Since, learned Single Judge has categorically dealt with each and every argument as well as aspect involved in the present case, therefore, we do not find any infirmity in the impugned judgment and the same is hereby upheld.

7.           Learned counsel for appellant, on specific query put to him as to the return of keys, contended that the keys were handed over to respondent No.1 in the month of March, 2025, itself.
8.           In view of the above, the present appeal is dismissed being devoid of any merit.
9.           Pending applications, if any, also stand disposed of.

(LISA GILL)  
JUDGE

(SUDEEPTI SHARMA)  
JUDGE

24.04.2025  
Virrendra

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No