



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

**CWP-10336-2021 (O&M)
Date of Decision : 08-01-2025**

RULDA RAM

.....Petitioner

VERSUS

ADDITIONAL DEPUTY COMMISSIONER, AMBALA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raghav Bali, Advocate
For Mr. Deepak Sharma, Advocate
for the petitioner.

Mr. Saurabh Girdhar, AAG Haryana
For respondent No.1.

Mr. S.S Jattan, Advocate for
respondent Nos.2 and 3.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioner is that the relief claimed by the petitioner under Section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 2007 Act) has been denied by the respondents vide impugned order dated 24.02.2021, copy of which has been appended as Annexure P-4 on the ground that the petitioner has two big houses measuring 324 Sq. Yards and 212 Sq. Yards respectively and he is living in the said house and one house has been given by him to his elder son who is living independently and no claim of

maintenance has been raised against the said son whereas the private respondents have been asked to vacate the premises.

2. Learned counsel for the petitioner submits that the findings which have been recorded by the Tribunal in the impugned order dated 24.02.2021, copy of which has been appended as Annexure P-4 are incorrect.

3. Learned counsel for the petitioner further submits that once, it is clear that the premises where the private respondent is residing belongs to the petitioner, it was incumbent upon the authorities to pass the order of eviction against the private respondent hence, rejecting claim of the petitioners for the eviction of the private respondent is liable to be set aside and appropriate direction needs to be issued for the eviction of the private respondent from the house which concededly belongs to the petitioner.

4. Learned counsel for the respondents submits that private respondent is a labourer, who is working on daily wages and he has a family to support including two children.

5. Learned counsel for the respondents further submits that the petitioner has his own shop and two houses and another son who is living independently in one of the houses belonging to the petitioner and no such claim of maintenance has been raised against the said son which shows that the intention of the petitioner is only to evict the petitioner from the premises in question.

6. Learned counsel for the respondents further submits that keeping in view the limited means of the respondents, the respondents will give Rs.3000/- per month to the petitioner so that in case, he needs the same

for his welfare, he can use the same even though, the petitioner has self-sufficient means.

7. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

8. It may be noticed that the purpose of the 2007 Act is only to ensure that the Senior Citizens/Parents are not put in a situation where they are not able to lead a dignified life as envisaged under Article 21 of the Constitution of India. The basic intent of 2007 Act is only to ensure that sufficient means are provided to the Senior Citizens/Parents by the children for their welfare and for leading a dignified life.

9. In the present case, the petitioner already has two big houses. In one of the house, he is living along with the private respondent and another house has been given to the other son who is living independently with his family. Nothing has come on record to show that the petitioner does not have sufficient means to survive or to lead a dignified life, which fact is clear that no such demand has been made by the petitioner from the other son to whom, he has given a complete independent house to live whereas, the petitioner who is a daily wage labourer and only works as and when he gets the same, is being asked to vacate the premises. The authorities concerned have already come to the conclusion that the purpose of the petitioner is not to seek welfare but to oust the respondent from the premises.

10. The said presumption has not been rebutted by the petitioner by placing on record any cogent fact/evidence hence, the order passed by the authorities concerned needs no interference at the hands of this court.

11. Further, as a matter of good gesture, the learned counsel for the respondents has offered that a sum of Rs.3000/- per month will be paid to the petitioner by the respondents, which has been graciously accepted by the learned counsel for the petitioner.

12. That being so, the present petition is disposed of with the direction that the respondents will pay a sum of Rs.3000/- by the 7th of every month to be deposited in the Bank account of the petitioner, which account number will be provided by the petitioner to the respondents for the deposit of the same.

13. Pending application, if any, also stands disposed of.

08-01-2025

Sapna Goyal

(HARSIMRAN SINGH SETHI)

JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO