



130

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

LPA-1077-2025 (O&M)

Date of Decision: 19th August, 2025

PARVEEN

.....Appellant(s)

V/s.

SUB DIVISIONAL MAGISTRATE REWARI AND ANOTHER

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present Mr. Divyam Singh, Advocate,
 Mr. Sumitra, Advocate and
 Mr. Vikram Singh, Advocate, for the appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Appeal arises out of an order passed by the learned Single Bench in *CWP-26446-2021*, whereby, the Writ Petition filed by the appellant has been dismissed.

2. Learned Single Bench has refused to interfere with the order passed by the Additional District Magistrate, Rewari, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, after noticing that the appellant/petitioner, is abusive and often engages in fighting and beating his senior citizens-parents after consuming liquor. This allegation has been verified by the Sub Divisional Magistrate who submitted a report dated 24.08.2021. Relying on such report, eviction order has been passed. The observations made by the learned Single Bench, noticing facts in this regard, are contained in para 7 to 9 of the judgment, which are reproduced as under:-

7. *It may be noticed that certain benefits have been extended in favour of the respondent No.2-senior citizen in order to live dignified life. In order to live dignified life, the respondent No.2-senior citizen has to have a peaceful life without any interference*

in the life of the respondent No.2- senior citizen. In the present case, when an allegation has been made by the respondent No.2-senior citizen that the petitioner-son is abusive and he engaged in fight and gives beating after consuming liquor, the same was got verified from the Sub Divisional Magistrate who had submitted a report on 24.08.2021. In the said report, it has been clearly mentioned that the respondent No.2-senior citizen is the exclusive owner of the property in question and is facing difficulty in life as he is residing in one room with a tin shed and is facing difficulty in living in the said accommodation. Further, the report confirms the ill behaviour of the petitioner-son towards the respondent No.2-senior citizen and a finding has been recorded by the Tribunal that no evident fact has been brought on record to show that the petitioner-son was ever maintaining the respondent No.2-senior citizen.

8. *Once, a summary proceedings are to be undertaken to adjudicate the claim of the respondent No.2-senior citizen, which was done and the evidence has been brought on record including the report dated 24.08.2021 of the Sub Divisional Magistrate which corroborates the allegation of the respondent No.2-senior citizen, the petitioner-son cannot claim that he has right to keep the possession of the property which actually belonged to the respondent No.2-senior citizen and that too at the cost of the respondent No.2-senior citizen.*

9. *Further, the respondent No.2-senior citizen is living in one room with a tin shed and that too in a house which belongs to him which shows as to how the respondent No.2-senior citizen has been treated by the petitioner. The petitioner, who is the son and is supposed to take care of the respondent No.2-senior citizen, is behaving in a manner which is not conducive to the peaceful living of the respondent No.2-senior citizen. Once, the said fact is established, the respondent No.2-senior citizen who owns the property, has an exclusive right to live in the same to the exclusion of the petitioner-son in order to have a peaceful life.”*

3. Various contentions are advanced in order to submit that the allegations made by the appellant’s father are incorrect. During the course of submissions, learned counsel for the appellant states that the appellant’s father is now living elsewhere. This fact only strengthens the allegation made in the proceedings, before the authorities that there is a genuine threat to life and liberty of the senior citizens-parents of the appellant. It is for this reason, the senior citizens-parents have been forced to live out of their own house.

4. In such view of the matter and in view of the observations made by the learned Single Bench, as are noticed above, we do not find it a fit case for interference in exercise of appellate jurisdiction. Accordingly, the present appeal stands dismissed.

5. All pending applications in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

August 19, 2025
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No