



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

**CWP-12918-2022 (O&M)
Date of Decision : 18-03-2025**

SACHIN WADHWA AND ANR.Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERSRespondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Shruti Mandhotra, Advocate with
Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. Naveen S. Panwar, DAG Haryana.

Ms. Ayushi Panwar, Advocate
For respondent No.4.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the award dated 08.12.2021 (Annexure P-5) passed by the Tribunal envisaged under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 by which, a direction has been given to the petitioners to vacate the premises belonging to the respondent No.4-Senior Citizen.

2. Learned counsel for the petitioners argues that the order dated 08.12.2021 (Annexure P-5) is bad as, the property in question which is being claimed by respondent No.4-Senior Citizen under her ownership, is within the factory premises where the petitioner No.1 is running his business hence, the petitioners could not have been directed to be vacate the premise in

question so as to hand over the same to the respondent No.4-Senior Citizen hence, it is the prayer of the petitioner that the impugned order dated 08.12.2021 (Annexure P-5) may kindly be set aside.

3. Learned counsel appearing on behalf of the respondent-Senior Citizen submits that as the property measuring 100 sq. Yards which was transferred in the name of the respondent No.4-Senior Citizen by her husband vide Transfer Deed No.8964 dated 30.11.2016, which property was further transferred by the respondent No.4-Senior Citizen in the name of the son of the respondent No.4-Senior Citizen, should be vacated by the son as the respondent No.4-Senior Citizen intends to stay in the said property as she has no other place to live in and under compulsion, she is staying with her daughter as of now.

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

5. Once, the title of the respondent No.4-Senior Citizen qua the property in question from which the eviction order has been passed is not disputed to be in the name of the respondent No.4-Senior Citizen, the only claim which needs to be adjudicated upon is whether, the direction given by the Tribunal vide its impugned order to the petitioners to vacate the said premises in question on the asking of the respondent No.4-Senior Citizen is bona fide or not.

6. Learned counsel appearing on behalf of the petitioner has not been able to rebut the fact that there is no other property in the name of the respondent No.4-Senior Citizen and she does not have any other place to live except the property in question.

7. It is also a conceded position that the respondent No.4-Senior Citizen is staying with her daughter as of now.

8. Once, the respondent No.4-Senior Citizen has no other place to live in and she is claiming the possession of the property which has been entrusted to her by the Tribunal vide its impugned order then, unless and until the eviction order by the Tribunal is shown to be perverse to the provisions of the 2007 Act or with regard to the need of the respondent No.4-Senior Citizen, the same needs no interference as, the 2007 Act has been enacted to safeguard the interest of the respondent No.4-Senior Citizen so as to allow her to live a dignified life at this stage.

9. Learned counsel appearing on behalf of the petitioners at this stage that the property in question which has been sought by the respondent No.4-Senior Citizen is a commercial property hence, the respondent No.4-Senior Citizen cannot seek the possession of the said property so as to convert the same as a residential property to live in.

10. Learned counsel for the respondent No.4-Senior Citizen submits that the residential property is also inherent in the said area where the property in question is situated as, in the vicinity of the property in question, commercial activity along with a residential premises to live in have been created by the other residents.

11. Learned counsel for the petitioners has not been able to dispute the said fact.

12. Keeping in view the fact that the property in question can be turned into a residence also, the argument being raised by the petitioners that

the same is only commercial in nature and cannot be used for residential purpose, cannot be accepted.

13. Keeping in view the totality of the circumstances, the petitioner has not been able to point out any perversity in the award dated 08.12.2021 (Annexure P-5) passed by the Tribunal directing the eviction of the petitioner from the property in question, which exclusively belongs to the respondent No.4-Senior Citizen. The respondent No.4-Senior Citizen intends to convert the said property into a residential property so as to live peacefully.

14. Keeping in view the facts and circumstances of the present case as, the petitioner No.1 is running his business from the said property concerned and has to relocate his business before handing over the possession of the said property, the petitioner No.1 is directed to handover the vacant possession of the property by 30.06.2025.

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

18-03-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO