

**CWP-15353-2020****1**

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

(208)**CWP-15353-2020****Date of Decision : January 29, 2025****Vijay Kumar and others****.. Petitioners**

Versus

State of Haryana and others**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Akshit Aggarwal, Advocate, for the petitioners.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Mr. G.C. Shahpuri, Advocate, for respondent No.3 (i).

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioners is that the order which has been passed by the Executing Court so as to execute the order dated 21.06.2018 (Annexure P-15) which was passed in favour of the respondent No.3 senior citizen namely Rani Bai @ Raj Rani so as to issue notice of eviction to the petitioners, has been challenged.

2. Learned counsel for the petitioners argues that initially, the execution petition was filed giving a particular description of the property i.e. Barrack No.114 Camp Yamuna Nagar which execution was dismissed on the ground that description did not match the actual spot but now, another description of the property has been mentioned i.e. Barrack No.11

so as to execute the order passed by the District Magistrate, Yamunanagar

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dated 21.06.2018 (Annexure P-15) by which, eviction of the petitioners was ordered.

3. Learned counsel for the petitioners submits that after the death of the respondent No.3-senior citizen namely Rani Bai @ Raj Rani, the matter comes to an end and no execution can be filed as the order passed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as '2007 Act') can only be executed by the senior citizen and not by the legal heirs.

4. Learned counsel appearing on behalf of respondent No.3 (i) submits that as of now, only the description of the correct property has been given so as to execute the order and in case, the petitioners have any objection to the said execution, the same be raised before the Executing Court as no order causing prejudice to the petitioners has been passed so far.

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

6. The legal heirs of the senior citizen have filed an execution so as to execute the order passed by the District Magistrate, Yamunanagar dated 21.06.2018 (Annexure P-15), which order has already attained finality upto the Hon'ble Supreme Court of India.

7. As of now, only notice of execution petition has been given to the petitioners. In case, the petitioners raises objections qua the execution petition, the said objections are to be taken before the Executing Court for consideration. As of now, no adverse order has been passed by the Executing Court so as to direct the petitioners for the implementation of the order passed in favour of the senior citizen, who has unfortunately died as

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of now.

8. The argument of the petitioners that after the death of respondent No.3-senior citizen, the order passed in favour of the senior citizen cannot be executed by the legal heirs, will be decided by the Tribunal keeping in view the provisions of 2007 Act by giving due opportunity to the petitioners as well as the other side.

9. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case at this stage with liberty to the parties to raise appropriate plea before Executing Court as to whether, after the death of senior citizen, any order passed in favour of the senior citizen under 2007 Act can be executed at the behest of the legal heirs.

10. The present writ petition is accordingly dismissed.

January 29, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No