IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(101) **CWP-21751-2025**
Date of Decision : July 31, 2025

Jaman Singh **.. Petitioner**

Versus

District Magistrate-cum- Maintenance Tribunal, SAS Nagar, Mohali and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Saini, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner-senior citizen is that the application filed by the petitioner-senior citizen before authorities exercising jurisdiction under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as '2007 Act') for eviction of respondent No.3-daughter-in-law from the premises owned by the senior citizen, was consigned to record room and the parties were directed to appear before the competent Court for their grievance keeping in view the order passed by this Court in ***CWP No.4744 of 2018 titled as Simrat Randhawa vs. State of Punjab and others, decided on 23.01.2020***.

2. Learned counsel for the petitioner argues that keeping in view the order passed by the Hon'ble Supreme Court of India in ***Civil Appeal***

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No.10927 of 2024 titled as Urmila Dixit vs. Sunil Sharan Dixit and others, decided on 02.01.2025, the right of eviction has been treated as inherent under the 2007 Act though, the question that whether the eviction has to be ordered or not is to be decided by the authorities under 2007 Act hence, the authorities exercising jurisdiction under 2007 Act are under an obligation to operate in accordance to the judgment of the Hon'ble Supreme Court of India in ***Urmila Dixit's case (supra)*** and decide the claim of the petitioner with regard to the eviction of respondent No.3 from the premises in question.

3. Keeping in view the fact that as the only plea of the petitioner is for deciding the issue as to whether the petitioner is entitled for eviction of respondent No.3 from the premises concerned or not, the present writ petition is disposed of with a direction to the authorities envisaged under 2007 Act that in case any application is filed by the petitioner for granting relief of eviction against respondent No.3 under 2007 Act, the same be decided on merits in view of the judgment in ***Urmila Dixit's case (supra)*** by giving due notice to respondent No.3 and due opportunity to respondent No.3 to defend against the said prayer of the petitioner as per law established.

July 31, 2025 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No

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