



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

CWP-27681-2019

Date of Decision : **03.11.2025**

JOGINDER AND OTHERS

.....Petitioners

VERSUS

DISTRICT MAGISTRATE, GURUGRAM AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajesh Lamba, Advocate with
Mr. Abhinav Kaushik, Advocate, for the petitioners.

Mr. Jaskran Sohal, Advocate with
Ms. Manvi Singh, Advocate, for respondent no.2.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Article 226/227 of the Constitution of India, a challenge is thrown to the order dated 08.07.2019 (Annexure P-3), passed by District Magistrate, Gurugram (respondent no.1), vide which the petitioners have been ordered to be evicted from the house bearing No.208/20, situated at Om Nagar, Gurugram, Haryana.

2. At the time of issuance of notice of motion vide order dated 26.09.2019, the instant petition *qua* petitioners no.1 and 2 was dismissed.

The said order is extracted hereinafter:-

“Challenge in the instant petition is to the order dated 08.07.2019 (Annexure P-3) passed by the District Magistrate, Gurugram and whereby an application moved by respondent No.2 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been allowed and the petitioners herein have been directed to be evicted from the premises in question.

It may be noticed that the petitioners herein are the son, daughter-in-law and wife, respectively of respondent No.2.

Counsel at the very outset makes a statement at the bar that he is pressing the instant writ petition only for petitioner No.3.

As per statement suffered, instant writ petition qua petitioners No.1 and 2 i.e. son and daughter-in-law of respondent No.2 stands dismissed.

In so far as petitioner No.3 is concerned, it is inter alia argued that she herself is a senior citizen aged 65 years and as per the scheme and objective of the Act she ought to have been protected.

Notice of motion, returnable for 12.02.2020.

Eviction of petitioner No.3 in the meanwhile shall remain stayed. ”

3. Now the only issue arises for consideration, as to whether, the eviction order (*supra*) can be passed against petitioner no.3, who is also a senior citizen.

4. Learned counsel for contesting respondent no.2, submits that respondent no.2 cannot possibly join the legal issue, as raised by learned counsel for the petitioners, as the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, do not permit eviction of a senior citizen by a senior citizen. Therefore, he submits that he will not press the original application against petitioner no.3, before the learned Maintenance Tribunal concerned.

5. In view of the above statement, as suffered by learned counsel for respondent no.2, no further order is required to be passed by this Court. Therefore, the instant petition is **closed**.

6. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

November 03, 2025
dharamvir

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