



CWP-26446-2021 & connected case 1

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

(267) CWP-26446-2021
Date of Decision : March 12, 2025

Parveen .. Petitioner

Versus

Sub Divisional Magistrate Rewari and another .. Respondents

(268) CWP-30208-2022

Hans Raj and another .. Petitioners

Versus

Additional District Magistrate and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Singh, Advocate, for
Mr. Ishnoor Singh, Advocate, for the petitioner
in CWP-26446-2021.

Mr. Vijay Rana, Advocate, for the petitioner
in CWP-30208-2022.

Mr. Malkiat Singh, DAG, Punjab.

Mr. Nitish Yadav, Advocate, for respondent No.2
in CWP-26446-2021.

Mr. Jaideep Verma, Advocate, for respondents No. 2 & 3
in CWP-30208-2022.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts. For the sake of convenience, the facts are being taken from CWP No.26446 of 2021.

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2. In the present writ petition, the challenge is to the order dated 03.12.2021 (Annexure P-2) passed by the Additional District Magistrate, Rewari by which, the application filed by respondent No.2-senior citizen seeking eviction of the petitioner has been allowed.

3. Learned counsel for the petitioner (in CWP-26446-2021) argues that merely that the respondent No.2-senior citizen is the owner of the property concerned, cannot be made a ground as the senior citizen has to prove that the respondent No.2-senior citizen is not being maintained by the child before seeking eviction from the property in question.

4. Learned counsel for the petitioner-son further submits that no such material evidence has come on record that the petitioner-son was not maintaining the respondent No.2-senior citizen hence, directing the eviction of the petitioner-son from the house in question was bad and the said order dated 03.12.2021 (Annexure P-2) is liable to be set aside.

5. Learned counsel for the respondent No.2 submits that the respondent No.2-senior citizen has made averment that not only the petitioner-son was abusive and used to engage in fight with the respondent No.2-senior citizen after consuming liquor and the respondent No.2-senior citizen was having apprehension about the safety at the hands of the petitioner-son and after getting a report from the Magistrate concerned that the allegations of the respondent No.2-senior citizen are proved, the order dated 03.12.2021 (Annexure P-2) was passed directing the petitioner-son to be evicted from the premises concerned hence, the aforementioned order may kindly be upheld.

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

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

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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.

10. In CWP No.30208 of 2022, the issue is also similar wherein, the Senior Citizens who are the owner of the property are seeking possession, which has been awarded in their favour by the competent authority exercising jurisdiction under the Maintenance and Welfare of the Parents and Senior Citizen Act, 2007. The only argument raised on behalf of the petitioner is that findings which have been recorded is not based upon the material evidence brought on record.

11. As noticed earlier, the summary proceedings are to be carried out for deciding the claim of the respondent Nos.2 and 3-Senior Citizens. The respondent Nos.2 and 3-Senior Citizens in the present case are claiming possession of their own property to the exclusion of the petitioners, who are creating a situation which is not conducive to the dignified life to be lived by the respondent Nos.2 and 3-Senior Citizens.

12. Once, the respondent Nos.2 and 3-Senior Citizens have alleged that they have been humiliated and injuries have been inflicted and

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they were admitted to the hospital and even there is a medical legal report prepared but the action was not taken by the senior citizen because of the interventions of the other relatives, it cannot be said that the petitioners are taking care of the respondent Nos.2 and 3-Senior Citizens so as to live in the house.

13. It may be notice that the respondent Nos.2 and 3-Senior Citizens have brought on record certain pictures of the fight where the petitioner No.1 is seeming inflicting injuries upon the respondent Nos.2 and 3-Senior Citizens. This clearly shows that the life of the respondent Nos.2 and 3-Senior Citizens is at danger at the hands of the petitioners and in case they are allowed to live in the same premises. There is nothing evident on record to show that the senior citizens owns any other accommodation to live in and have any other means to survive.

14. Keeping in view the totality of the circumstances including the picture which have been produced with regard to the fight, it can be easily inferred that respondents No.2 and 3-senior citizens are being abused.

15. No other argument was raised.

16. No ground is made out for any interference by this Court in the facts and circumstances of the present bunch of cases.

17. The authorities are directed to immediately implement the order directing eviction of the petitioners in both the petition so as to make sure that the petitioners shall vacate the premises in question.

18. Delay, if any, can cause irreparable loss to the life and liberty of the respondent-senior citizens at the hands of the petitioners.



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19. The Police authorities are directed to implement the said order without any fail forthwith.

20. Accordingly, the writ petitions are dismissed.

21. A photocopy of this order be placed on the file of other connected case.

March 12, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No