



CWP-12369-2016

-1-

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

208

CWP-12369-2016

Date of Decision :13.02.2025

Sanjeev Saini

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. T.P.S Chawla, Senior DAG, Punjab.

Mr. Vijay Sharma, Advocate for respondents No.4,6 & 7.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioner-son submits that as the senior citizen i.e. father of the petitioner, who initiated the proceedings under the Maintenance and Welfare of Senior Citizen Act, 2007 (in short, '2007 Act') has unfortunately died hence, the impugned order dated 13.11.2015 (Annexure P/7) passed by the Tribunal in his favour cannot be given effect qua the eviction of the petitioner from the premises in question and the payment of maintenance amount to the tune of Rs.5000/- to the senior citizen.

2. Learned counsel for the petitioner further submits that the claim raised by the father-senior citizen stands abated as the whole purpose of the eviction was to sell the property in question so as to incur the expenses of the treatment of senior citizen.

3. Learned counsel appearing for respondents No.4,6 & 7 submits



CWP-12369-2016

-2-

that though, the said assertion of the petitioner can be rebutted keeping in view the settled principle of law but as the mother, who has inherited the property after the death of her husband i.e. father of the petitioner has also the same grievance as was that of the father, the order passed in favour of the late husband of the respondent No.4 will not be given effect presently but the liberty to be given to the mother-respondent No.4 to avail appropriate remedy under the 2007 Act against the petitioner-son so as to claim the eviction independently to the claim as raised by the late husband of respondent No.4.

4. Learned counsel for the petitioner raises no objection to the same.

5. Keeping in view the statement of the learned counsel for the parties recorded hereinbefore, the impugned order dated 13.11.2015 (Annexure P/7) passed by the Tribunal be not given effect with liberty that the respondent No.4 i.e. mother of the petitioner, who has acquired right in the said property after the death of her husband will avail appropriate remedy under the 2007 Act for the eviction of the petitioner-son.

6. As the parties are litigating since long, the Tribunal is directed that in case, any such application under the 2007 Act is filed by the respondent No.4-senior citizen, the same be decided in accordance with law as expeditiously as possible.

7. Present petition is disposed of in above terms.

February 13, 2025

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No