



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

(211)

CWP No. 24755 of 2023 (O&M)

Date of Decision : 23.07.2025

Bimla Devi

...Petitioner

Versus

Appellate Tribunal-cum-District Magistrate, Malerkotla and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Kanav Singla, A.A.G., Punjab.

Mr. Rahul Verma, Legal Aid Counsel for respondent No. 3.

Mr. Abdul Aziz, Advocate for respondent No. 4.

Harsimran Singh Sethi J. (Oral)

1. The present petition has been filed challenging the order dated 05.07.2023 (Annexure P-4) passed by the Appellate Authority exercising jurisdiction under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act') by which the claim of the petitioner for eviction of respondent No. 3-son and respondent No. 4-daughter-in-law has been adjourned sine die and with regard to the maintenance for petitioner-senior citizen, separate appeal has been directed to be filed.

2. Learned counsel appearing on behalf of the respondents submit that the said order has been passed by the Appellate Authority keeping in



view the judgment passed in CWP No. 4744 of 2018 titled as ***Simrat Randhawa Vs. State of Punjab and others***, decided on 23.1.2020, according to which, the question of law that whether the right of eviction is inherent under 2007 Act or not is pending consideration.

3. I have heard learned counsel for the respondents since no one appears on behalf of the petitioner and have gone through the record with their able assistance.

4. The question of law whether the right of eviction is inherent under 2007 Act has already been decided by the Hon'ble Supreme Court of India in Civil Appeal No. 10927 of 2024 titled as ***Urmila Dixit Vs. Sunil Sharan Dixit and others***, decided on 02.01.2025 and held that the same is permissible.

5. Learned counsel for the respondents have not been able to dispute the same.

6. Keeping in view the above, the order dated 05.07.2023 (Annexure P-4) passed by the appellate authority is set-aside and the Appellate Authority is directed to take up the appeal filed by the senior citizen and decide on merit including her claim for eviction of respondents No. 3 and 4 from the premises in question, keeping in mind the judgment passed by the Hon'ble Supreme Court of India in ***Urmila Dixit (supra)*** as well as the claim of maintenance.

7. The parties are directed to appear before the Authorities on 20.08.2025.



8. Pending miscellaneous application, if any, also stands disposed of.

July 23, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No