



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

236

**LPA-801-2021 (O&M)
Decided on : 28.04.2026**

BHASKAR AND ANOTHER

...Appellants

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

PRESENT: Mr. Jagmohan Ghuman, Senior Advocate with
Mr. Naveen Thakur, Advocate for the appellant.

Mr. Sandeep Chhabra, Addl. Advocate General, Haryana.

Mr. Amit Chopra, Advocate for respondent No. 2.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present appeal, the challenge is to the judgment dated 02.09.2021 passed by the learned Single Judge, whereby the petition bearing CWP No. 32298 of 2018, filed by the petitioners (appellants herein) challenging the order dated 27.11.2018 passed by the authorities concerned under the Maintenance & Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the “2007 Act”) directing their eviction, has been dismissed.



2. Learned counsel for the appellants submits that there was a family settlement (panchayati agreement) took place on 03.02.2017, under which, it was decided that the house in question would be transferred in favour of the appellants by way of a gift deed. However, since no such transfer was effected, the appellants cannot now be directed to vacate the said premises.

3. Learned counsel for the appellants further submits that they have no alternative accommodation to reside, which fact has been ignored by the learned Single Judge while upholding the order dated 27.11.2018 passed by the authorities concerned exercising jurisdiction under the 2007 Act.

4. Learned counsel for the respondents-senior citizens submits that, at present, the respondents-senior citizens are on the road and are unable to reside in their own house, which is owned by them, as the appellants are occupying the same. Learned counsel for the respondents-Senior citizens further submits that since the property in question belongs to the senior citizens and they are unable to utilize the same, hence, the provisions of 2007 Act invoked by the Senior citizens have rightly been appreciated by the all the authorities including the learned Single Judge and therefore, the present appeal may kindly be dismissed.

5. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

6. As per the settled principle of law laid down by the *Hon'ble Supreme Court of India in Civil Appeal No. 10927 of 2024 titled Urmila Dixit vs. Sunil Sharan Dixit and others, decided on 02.01.2025*, and reiterated in subsequent judgments, eviction is an inherent remedy under the 2007 Act and can be sought by senior citizens. Learned counsel for the



appellants has not been able to dispute this settled proposition of law.

7. Further, under the 2007 Act, once senior citizens owned a property, they have a full right to reside therein with dignity. In the present case, the house occupied by the appellants belongs to the senior citizens, whereas the senior citizens themselves are living in rented accommodation, which is contrary to the spirit and provisions of the 2007 Act. As the ownership of the house by the senior citizens is not in dispute, they have a preferential right to reside therein.

8. Hence, the order passed by the competent authorities, directing eviction of the appellants and permitting the senior citizens to occupy their own property, is valid and in consonance with the provisions of the 2007 Act.

9.. Keeping in view the above as well as the settled principle of law, the appellants are directed to vacate the house in question and hand over the keys of the said premises to the senior citizens immediately.

10. The present appeal is dismissed in above terms.

11 At this stage, learned counsel for the appellants, on instructions from the appellants who are present in Court, submits that they may be granted time to vacate the house in question upto 31.05.2026. Learned counsel for the appellants further submits that as the respondents-senior citizens are residing in rented accommodation, the appellants will pay a rent of Rs.5,000/- for the month of May 2026 to the senior citizens by 07.05.2026.

12. In case the said condition of paying the rent to the respondents-senior citizens is not complied with by the appellants by 07.05.2026, the respondent-senior citizens will be at liberty to get the premises vacated with the help of police immediately after 07.05.2026. Otherwise, the appellants will hand over vacant possession of the house in question to the respondents-



LPA-801-2021 (O&M) 4

Senior Citizens by 31.05.2026.

13. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

28.04.2026

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