



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

CWP-23527-2022 (O&M)

Date of decision: 04.02.2026

Amit Kharbanda and another

....Petitioners

Versus

Presiding Officer-cum-Addl. Deputy Commissioner & Members
Maintenance Tribunal, Ambala and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pankaj Bali, Advocate,
for the petitioners.

Mr. Arnav Sood, Advocate,
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1) By way of instant writ petition, as cast under Articles 226/227 of the Constitution of India, an order dated 14.09.2022 (Annexure P-6) is put to challenge, vide which, the application filed by the senior citizen-respondent No.2, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was allowed. Consequently, the petitioners, who are son-in-law and daughter of the senior citizen-respondent No.2, were ordered to vacate the house in question.

2) Learned counsel for the petitioners, while assailing the order (supra), submits that during the pandemic (Covid-19), respondent No.1, requested the petitioners to live with him in the house in question and look after him, which they graciously accepted. Surprisingly, the senior citizen, at the behest of his brother, filed the application for the



eviction of the petitioners. He further submits that admittedly, petitioner No.2 and her brother have 1/3rd share each in the disputed property. In such a situation, the learned Tribunal erred in law, while allowing the application preferred by the senior citizen.

3) This Court has heard the learned counsel for the parties, and perused the record.

4) On 13.11.2025, this Court had passed the following extracted order:-

“Vide order dated 02.05.2024, a Coordinate Bench had referred the matter to the Mediation and Conciliation Centre of this Court, but the mediation failed.

However, learned counsel for the contesting parties fairly submit that, still there is a possibility of settlement between the parties.

In view of the above, this Court deems it apt to make another endeavour to explore the possibility of an amicable resolution of the dispute between the parties.

Accordingly, the petitioner and respondent No.2 are directed to cause appearance before this Court on 04.02.2026.

Interim order to continue, till the next date of hearing.”

5) In deference to the abovesaid order, the parties caused appearance before this Court. However, despite earnest efforts, no settlement to resolve the dispute amicably could be worked out.

6) It is an admitted position that the petitioners have already vacated the house in question, and are now residing in a separate accommodation. Therefore, the only issue which requires consideration is



that, by virtue of being owner of the house in question to the extent of 1/3rd share, petitioner No.2 has a right to live therein or not?

7) The abovesaid issue cannot be adjudicated in the proceedings arising out of the Act of 2007. In fact, petitioner No.2 is obliged to establish her ownership in the property in question, to the extent of 1/3rd share, by leading a cogent evidence, by instituting a civil suit. Further, in view of the supervening events, as referred to above, this Court is not required to adjudicate the legality of the impugned order.

8) In the wake of the above, the proceedings are closed, and the instant writ petition is **disposed of**, granting liberty to the petitioners to avail such other remedies, as shall be admissible to them under law.

(KULDEEP TIWARI)
JUDGE

04.02.2026
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No