



CM-5260-CWP-2026
CM-5261-CWP-2026 in/and
CWP-22559-2022 & connected case **1**

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106) **CM-5260-CWP-2026**
CM-5261-CWP-2026 in/and
CWP-22559-2022
Date of Decision : April 17, 2026

Shruti Bansal **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

(107) **CM-5079-CWP-2026**
CM-5080-CWP-2026 in/and
CWP-24158-2022

Mohit Bansal **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Jaivir Singh, Advocate, for the applicant-petitioner(s)
in both cases.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-5260-CWP-2026
CM-5079-CWP-2026

Present applications have been filed seeking condonation of
delay of 02 days in filing the restoration applications.

Keeping in view the averments made in the applications, which
are duly supported by an affidavit, the applications are allowed. Delay of
02 days in filing the restoration applications is condoned.



CM-5260-CWP-2026
CM-5261-CWP-2026 in/and
CWP-22559-2022 & connected case **2**

CM-5261-CWP-2026 in CWP-22559-2022
CM-5080-CWP-2026 in CWP-24158-2022

Present applications have been filed for recalling the order dated 22.01.2026, by which, the present writ petitions were dismissed for non-prosecution.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the same are allowed. The order dated 22.01.2026 is recalled and the writ petitions are restored to its original number and status.

On request of learned counsel for the applicant-petitioner(s), the main writ petitions are taken up for consideration.

CWP-22559-2022 & CWP-24158-2022

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.22559 of 2022.

2. In the present writ petition, the challenge is to the order dated 22.07.2022 (Annexure P-1) passed by the authorities exercising jurisdiction under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred to as '2007 Act') by which, on the asking of the respondent No.3-senior citizen, the petitioner has been directed to vacate the premises belonging to the senior citizen.

3. The challenge raised on behalf of the petitioner is that under 2007 Act, eviction of children is not permissible and therefore, the



CM-5260-CWP-2026
CM-5261-CWP-2026 in/and
CWP-22559-2022 & connected case

3

impugned order is bad.

4. The further argument raised is that with regard to the property in question, a litigation is already going on between the petitioner-husband (in CWP-24158-2022) as well as his mother i.e. the senior citizen and therefore, keeping in view the said aspect that a litigation is already going on between the parties which has not yet attained finality, direction given by the authorities concerned to vacate the premises has been done without appreciating the fact.

5. We have heard learned counsel for the petitioner and have gone through the record with his able assistance.

6. Qua the first argument raised that whether, eviction under 2007 Act is inherent or not has already been decided by the Hon'ble Supreme Court of India in ***Urmila Dixit vs. Sunil Sharan Dixit, 2025 (1) RCR (Civil) 435*** whereby, it has been categorically held that "eviction" under 2007 Act is permissible.

7. Learned counsel for the petitioner has not been able to dispute the said fact. Hence, the first ground raised for challenging the order of eviction that the same is not permissible, being contrary to the settled principle of law, stands defeated.

8. The second argument which has been raised by the learned counsel for the petitioner is that there is already a litigation going on between the senior citizen and husband of the petitioner qua the property in question which has not attained finality and same should be construed as a bar to eviction order.



CM-5260-CWP-2026
CM-5261-CWP-2026 in/and
CWP-22559-2022 & connected case

4

9. It may be noticed that as of now, it is a conceded position that the property in question is in the name of the senior citizen. Once, at this stage, the senior citizen is the owner of the property concerned, she can claim the benefit of eviction under 2007 Act, which has been granted in her favour. In case, after the litigation, any right accrues to the son, he can avail appropriate remedy to seek appropriate relief.

10. No other argument has been raised.

11. Keeping in view the above, no ground is made out for any interference by this Court in the order impugned in the facts and circumstances of the present case, same being devoid of any perversity.

12. Accordingly, the writ petitions are dismissed.

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

14. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

April 17, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No