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CWP-429-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102+202

CM-8379-CWP-2025 in/&
CWP-429-2025
Date of Decision :28.05.2025

Rama Kant Yadav and another

...Petitioners

Versus

State of U.T, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vipul Sharma, Advocate for
Mr. Paras Money Goyal, Advocate for the petitioners.

Mr. Maheshinder Singh Sidhu, Senior Standing counsel &
Mr. Deepak Malhora, Standing counsel
for respondents No.1 to 3.

Mr. Prince Goyal, Advocate (Legal Aid counsel)
with respondent No.4 in person.

* * *

Harsimran Singh Sethi, J. (Oral)

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As prayed for, application is allowed.

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1. Present petition has been filed challenging the order dated 10.05.2022 (Annexure P/6) passed by the Tribunal exercising the jurisdiction under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred to as '2007 Act') by which, the prayer made by the respondent No.4-senior citizen that he is the owner of



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H.No.38-B Sector 30-B, Chandigarh and the vacant possession of the said house should be given to him, was allowed by the Tribunal, which order of the Tribunal has been upheld by the Appellate Authority vide order dated 25.10.2024 (Annexure P/8).

2. Learned counsel for the petitioner argues that there is no instance that the respondent No.4-senior citizen was maltreated in any manner hence, the direction given by the Tribunal to vacate the house in question is liable to be set aside.

3. Learned counsel for respondent No.4-senior citizen submits that respondent No.4-senior citizen only wants the vacant possession of the house in question so that he can live there and submits that order of the Tribunal directing the payment of maintenance to him may kindly be modified as he can maintain himself.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, it has already been brought on record that the petitioner is not living in the house in question, which fact is also clear from the evidence produced by him before the Tribunal coupled with the fact that respondent No.4-senior citizen owns the house in question but is not able to enjoy the said property, no ground for any interference is made out at the hands of this Court.

6. Further, the order of the Tribunal can only be interfered with by the Court in case there is any violation of the provisions of 2007 Act in any manner.

7. Learned counsel for the petitioner has not been able to show



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any perversity in the impugned order passed by the Tribunal.

8. Keeping in view the totality of the facts and circumstances of the present case, order dated 10.05.2022 (Annexure P/6) passed by the authority exercising the jurisdiction under the 2007 Act as well as order dated 25.10.2024 (Annexure P/8) passed by the Appellate Authority are upheld to the extent that the vacant possession of the house in question will be given by the petitioner to the respondent No.4-senior citizen by 15.06.2025.

9. With regard to the maintenance amount, which was ordered by the Tribunal to be paid to the respondent No.4-senior citizen, as it has been already submitted by the respondent No.4-senior citizen, who is present in the Court, that he does not need the maintenance amount to be paid by the petitioners hence, the direction given by the Tribunal qua the maintenance is set aside.

10. It is made clear that in case, the vacant possession of the house in question is not given by the petitioner to the respondent No.4-senior citizen by 15.06.2025, as undertaken by the petitioner, the same will amount to disobeying the order of this Court, which will amount to Contempt of Court.

11. Present petition stands disposed of in above terms.

May 28, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No