

**LPA-1017-2025 (O&M)**

2025:PHHC:078095-DB



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

**LPA-1017-2025 (O&M)  
Date of decision: 03.07.2025**

**HANS RAJ AND ANOTHER  
Versus**

..... Appellant(s)

**ADDITIONAL DISTRICT MAGISTRATE, FATEHGARH SAHIB AND  
OTHERS**

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL  
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Vijay Rana, Advocate for appellants.

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**LISA GILL, J.**

1. Prayer in this appeal is for setting aside order dated 12.03.2025, whereby learned Single Bench has dismissed CWP-32253-2024, filed by present appellants/writ petitioners challenging order dated 15.06.2022, passed by the Additional District Magistrate, Fatehgarh Sahib and a direction has been issued to appellants to vacate the house in question.

2. Brief facts necessary for adjudication of the matter are that respondents no.2 and 3 i.e. parents of appellant no. 1 and parents-in-law of appellant no. 2, filed an application under Section 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 2007 Act), seeking eviction of appellants from the property in question which is stated to be their self acquired property, on the ground that appellants misbehaved with them, physically abused them and also pressurized them to transfer ownership of house in question, in their favour. Additional District Magistrate, Fatehgarh Sahib called for a report from the Sub Divisional Magistrate Amloh, District

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Fatehgarh Sahib. On receipt of application and as per report submitted by Sub Divisional Magistrate, Amlah, it was verified that respondent No. 2 - Mr. Achhru Ram is owner of property in question whereon residential house has been constructed. Additional District Magistrate, Fatehgarh Sahib, on considering the facts and circumstances concluded that appellants were misbehaving with respondents and were pressurizing them to transfer ownership of area in question in their favour and averments on part of appellants that they are ready and willing to look-after applicants and fulfill their domestic daily needs, found no favour. It was thus, directed vide order dated 15.06.2022, that the premises be vacated within one month and possession be delivered to respondents-applicants.

3. Aggrieved therefrom appellants filed CWP-30208-2022 for setting aside order dated 15.06.2022. Learned Single Bench upon considering the facts and circumstances of the case found no merit in the arguments raised on behalf of appellants. It was concluded that property in question was owned by applicants-respondents who are admittedly senior citizens and that they had been subjected to humiliation and even physical abuse with injuries being inflicted which even led to admission in the hospital with a medico legal report being prepared as well, however, no action was taken by the Senior Citizens because of intervention of other relatives. Learned Single Bench also took note of certain pictures brought on record which indicated appellant no. 1 seemingly inflicting injuries upon respondents No. 2 and 3 i.e. the senior citizens. It was thus, held by learned Single Bench that life of said applicants-respondents is in danger at the hands of appellants in case they are allowed to live in the same premises. There was nothing on record to indicate that senior citizens owned any other accommodation or had any other means to survive. Writ petition was accordingly dismissed and authorities were directed to

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immediately implement the order directing eviction of appellants. Aggrieved there from present appeal has been filed.

4. Leaned counsel for appellants vehemently argues that application under the 2007 Act itself is not maintainable as necessary ingredients required for passing an order thereunder are not proved on record. It was further submitted that present appellants along with two other sons of respondents had in fact contributed after hard labour towards purchase of land in question and the residential house had been constructed by appellants out of their own funds. Furthermore, appellants were providing all services to respondents-parents and would never think of misbehaving with them. Application under the provisions of 2007 Act, it was submitted, had been filed on instigation of some notorious neighbours. Eviction of appellants from property in question has been wrongly ordered by the Additional District Magistrate, Fatehgarh Sahib and incorrectly upheld by learned Single Bench. It was thus, prayed that this appeal be allowed and impugned orders dated 15.06.2022 and 12.03.2025 be set-aside with the application filed by respondents No. 2 and 3 under the 2007 Act being dismissed throughout.

5. We heard learned counsel for appellants at length and have perused file carefully. However, we do not find any ground whatsoever to cause any interference in this matter. Private respondents are admittedly owners of property in question. It is not the case of appellants to the contrary, though, it is sought to be explained that appellants had contributed funds for purchase of property in question and construction thereon, however, there is nothing on record to substantiate the same. Such averments have been specifically refuted by respondents no. 2 and 3 in their written statement filed before learned Single Bench wherein it is categorically stated that ownership of property is of respondent no. 2 who had purchased the same out of his own funds without any support from any person. Residential house had also been

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constructed over the property way back by him out of his own funds. It is the specific case of respondents-senior citizens that they were subjected to assault on various occasions and the matter had been resolved because of pressure by the local police. Reference has also been made to the medico legal report of respondent No.3, besides certain pictures derived from CCTV footage to indicate physical abuse of senior citizens at the hands of appellant no. 1. These facts have not been controverted by appellants.

6. In the given factual matrix, in our considered opinion, order dated 15.06.2022 had been correctly passed by the Additional District Magistrate, Fatehgarh Sahib and correctly upheld by learned Single Bench.

7. Learned counsel for the appellants was unable to point out any illegality, infirmity or irregularity in impugned order dated 12.03.2025 whereby CWP-30208 of 2022, filed by present appellants has been dismissed.

8. No other argument was addressed.

9. This appeal is accordingly dismissed being devoid of any merit.

10. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

**(LISA GILL)**  
**JUDGE**

**(SUDEEPTI SHARMA)**  
**JUDGE**

**03.07.2025**  
*Sunil*

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