



CWP-961 of 2023

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

CWP-961 of 2023

Date of Decision: March 20, 2025

Sushila Singh @ Sushila Devi

..... Petitioner

Versus

Additional Deputy commissioner (J) Jagraon and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Malkiat Singh, DAG., Punjab.

Mr. Akshay Bhan, Senior Advocate with
Mr. H. V. Gupta, Advocate
for respondent Nos. 2 to 5.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. Learned counsel for the petitioner submits that the only issue raised in the present petition is whether, the tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the 2007 Act') has a power to pass an order for eviction on an application filed by the Senior citizen qua his property.

2. Learned counsel for the petitioner submits that application for eviction moved by the petitioner has been dismissed by the tribunal vide judgment order dated 01.09.2022 (Annexure P-3) on the ground that tribunal does not have power to pass an order of eviction under the 2007 Act which is contrary to the settled principle

of law and hence, the said order is liable to be set aside in view of the order passed by the Hon'ble Supreme Court in Civil Appeal No.10927 of 2024 titled as **Urmila Dixit Vs. Sunil Sharan Dixit and others** decided on 02.01.2025.

3. Learned counsel for the petitioner further submits that similar issue was raised in CWP-19389 of 2024 titled as **Jasbir Kaur Vs. State of Punjab and others** decided on 07.01.2025 and similarly passed impugned order has been set aside and the case has been remanded to the tribunal to pass an order on merits on an application moved by the senior citizen seeking vacation of the property.

Learned counsel submits that the present petition be also disposed of in terms of **Jasbir Kaur's case (supra)**.

4. Learned Senior counsel appearing on behalf of the respondents has not been able to dispute the settled principle of law settled by the Hon'ble Supreme Court in **Urmila Dixit's case (supra)**.

5. Keeping in view the above, the present writ petition is also disposed of in terms of **Jasbir Kaur's case (supra)**. It is made clear that this Court is not expressing any opinion on the merits of the case as the same would be decided by the tribunal keeping in view the fact and the evidence which would be brought on record.

6. Parties are directed to appear before the tribunal on 16.04.2025.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**March 20, 2025
archana**

**Whether speaking/reasoned
Whether Reportable**

**Yes/No
Yes/No**