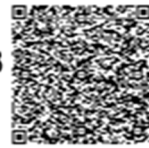


**LPA-1197-2025 (O&M)**

2025:PHHC:069650-DB



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

**LPA-1197-2025 (O&M)  
Date of Decision: May 19, 2025**

**Sandeep Bhardwaj and another** .....Appellants

**Versus**

**Rajinder Prakash Bhardwaj and others** ..... Respondents

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

Present: Mr. Rahul Deswal, Advocate for the appellants.

Mr. D.S. Matya, Advocate for caveator/respondent No. 1.

\*\*\*\*

**LISA GILL, J.**

1. Prayer in this appeal is for setting aside order dated 10.02.2025 passed by learned Single Bench whereby CWP-9167-2023 filed by present respondents No. 1 and 2/writ petitioners has been allowed.
2. Respondents No. 1 and 2 (writ petitioners) i.e. parents of appellant No. 1 and parents-in-law of appellant No. 2, filed CWP-9167-2023 for setting aside order dated 05.09.2022 passed by District Magistrate and Chairman Appellate Tribunal, Karnal (for short – ‘The Tribunal’) whereby application under Section 22(2) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short – ‘the Act’) filed by them had been dismissed.

**LPA-1197-2025 (O&M)**

3. Writ petitioners had filed said application with allegations that present appellants were not allowing them to live peacefully in their own house, which is their self-acquired property and constructed out of their own income. Learned Tribunal dismissed the application while concluding that house in question is big and applicants are living on the ground floor with respondents (present appellants) living on the first floor of the house and that application had been filed on instigation of another son of applicants. Applicants, it was held, had sufficient property and applicant No. 1 being a retired IAS officer was getting good pension. They had sufficient portion of house in their possession, therefore, no ground was made out for allowing the same.

4. Learned Single Bench on considering the facts and circumstances set aside order dated 05.09.2022 and directed present appellants to vacate the house in question till 30.06.2025. Such period was afforded to present appellants keeping in view the fact that their children are studying and were to take their examinations. Aggrieved of the direction for their eviction, present appeal has been filed.

5. Learned counsel for appellants vehemently argues that respondent No. 1 is a retired IAS officer and he has sufficient property, number of vehicles as well and he is living a luxurious life. Respondents No. 1 and 2, it is submitted, have three sons and two daughters. One of the brother of appellants alongwith his wife and two children are residing with respondents No. 1 and 2 on the ground floor and application under Section 22(2) of the Act has been filed at his instigation. Frivolous complaints were also filed at the instance of brother of appellant No. 1, who is an Advocate

**LPA-1197-2025 (O&M)**

by profession. It is pleaded that appellant No. 1 had earlier been managing affairs of his father, with major portion of his life being devoted to his parents and that he was not active in legal practice. He is barely able to meet basic needs of family and does not have any source of income. In case, appellants are evicted from their home, future of their children i.e. a 21 year old son studying at Delhi and daughter, aged 13 years, shall be severely compromised. It is, thus, prayed that this appeal be allowed, impugned order dated 10.02.2025 be set aside and CWP-9167-2023 be allowed as prayed for.

6. Learned counsel for caveator - respondent No. 1 has refuted the arguments as raised on behalf of appellants. Present appellants, it is submitted, out of pure love and compassion while ignoring the earlier behaviour of appellants had permitted them to live in house in 2012. It is pointed out that appellants had lived separated from respondents/writ petitioners from 2002-2012. While referring to various instances, it was brought to the notice of learned writ Court that in the evening of their life, writ petitioners were put to peril and were not able to live in peace. It is in these grave circumstances that application under Section 22(2) of the Act was filed. It is further submitted that impugned order dated 10.02.2025 is a well reasoned order passed after proper appreciation of facts and circumstances of the case. Dismissal of appeal is sought.

7. We have heard learned counsel for parties and have gone through the file with their able assistance.

8. It is the specific case of respondents/writ petitioners, who are admittedly senior citizens, that they should be able to live a peaceful and

**LPA-1197-2025 (O&M)**

dignified life without any disturbance from appellants. Admittedly, there is a slew of allegations and counter allegations. Learned Single Bench in this respect has observed as under:-

“9. In this regard, it may be noticed that in the present case, there exists adequate material against the respondent No. 1-son as, the respondent No. 1-son has been accused of a theft and the said FIR has been lodged at the intervention of the Court. Further, the daughter-in-law has already filed a complaint before the authorities concerned for domestic violence against the petitioners-senior citizens. These facts are enough to show that the material evidence exists to show that the parties are logger head i.e. the petitioners-senior citizens and the respondent No. 1 and the present petition has been filed by the petitioners-senior citizens so as to protect themselves from the harassment caused by the respondents No. 1 and 2 and further to evict the respondents to live a peaceful life at the property concerned.”

9. Argument raised on behalf of appellants that respondents/writ petitioners have sufficient property by itself is not a ground to dismiss the application under Section 22(2) of the Act. It is an admitted fact that house in question is self-acquired property of writ petitioners, who being senior citizens have a right to reside in the said house peacefully and without any disturbance or harassment at the hands of their son and daughter-in-law. Learned counsel for appellants is unable to point out anything on record which would indicate that it is a mere property dispute due to which application under Section 22(2) of the Act has been filed.

10. Learned counsel for appellants is unable to point out any illegality, infirmity and irregularity in impugned order dated 10.02.2025 passed by learned Single Bench which calls for interference by this Court.

**LPA-1197-2025 (O&M)**

11. No other argument has been addressed.
12. Present appeal is, accordingly, dismissed being devoid of any merit.
13. Pending application(s), if any, stand(s) disposed of.

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

**May 19, 2025**  
Rts

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

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