



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(206)

CWP No. 2665 of 2024

Date of Decision : 04.04.2025

Bhushan Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Sandeep Siwach, Advocate for the petitioners.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Mr. Satpal Bhasin, Advocate for respondent No. 4.

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**Harsimran Singh Sethi J. (Oral)**

1. In the present petition, the challenge is to the order dated 07.12.2023 (Annexure P-4) passed by the Appellate Tribunal by which the petitioners have been directed to vacate the premises in question which premises is being owned by respondent No. 4-senior citizen.

2. Learned counsel appearing on behalf of the petitioners submits that the house in question which is being owned by respondent No. 4-senior citizen is of two storeys and the petitioners are residing in two rooms available on the ground floor and rest two rooms are with respondent No. 4-senior citizen and respondent No. 4-senior citizen is residing with the other son on the first floor. Learned counsel submits that keeping in view the fact that half of the rooms on ground floor is also with the respondent No. 4-



senior citizen, directing the vacation of the petitioner from the same by the Appellate Tribunal needs reconsideration by this Court.

3. Learned counsel for the petitioners further submits that the Co-ordinate Bench while issuing notice of motion, had directed the payment of ₹25,000/- in favour of the respondent No. 4-senior citizen and a regular maintenance of ₹10,000/- per month in favour of respondent No. 4-senior citizen which is being paid by the petitioner and, therefore, even if the premises sought to be vacated by respondent No. 4-senior citizen is eventually vacated by the petitioners, the same is only to be given on rent and respondent No. 4-senior citizen will not be able to fetch ₹10,000/- maintenance which amount is already being paid by the petitioners as a financial maintenance, hence, petitioners should be allowed to retain the accommodation subject to the payment of ₹10,000/- as a financial assistance which is already being paid to the respondent No. 4-senior citizen.

4. Learned counsel for respondent No. 4-senior citizen concedes that ₹10,000/- is being paid by the petitioners as maintenance regularly but submits that the senior citizen cannot live with the petitioners and wants the impugned order to remain in power.

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

6. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act') has been enacted to ensure that senior citizens live with dignity. In the present case, whether the senior citizen has enough space so as to live a dignified life needs to be ascertained.

7/ As per the pleadings which have come on record, the respondent



No. 4-senior citizen already have two rooms in his possession on the ground floor and is living with the other son on the first floor. This shows that enough space for accommodation is already available with the senior citizen so as to live a dignified life, especially when, the petitioners who are living in two rooms on the ground floor, are continuously paying a sum of ₹10,000/- per month as maintenance. The balance of equities also have to be maintained and the mechanical orders cannot be passed merely on the ground that the senior citizen wants one of the children out of the premises, which is though owned by him.

7. Once, the senior citizen's other son is also living in the same accommodation and after the accommodation being utilized by the petitioner, there is enough space for accommodation available to the respondent No. 4-senior citizen coupled with the fact that a sum of ₹10,000/- as a financial maintenance is also being paid to the respondent No. 4-senior citizen, the impugned order dated 07.12.2023 (Annexure P-4) directing vacation of petitioner from the premises cannot be sustained, especially when the life and liberty of the senior citizen is not under threat.

8. Accordingly, the impugned order dated 07.12.2023 (Annexure P-4) is set-aside. The petitioners will be allowed to possess two rooms on the ground floor as long as the petitioners keep on paying a sum of ₹10,000/- per month to the respondent No. 4-senior citizen as maintenance henceforth till he is alive. Learned counsel for petitioner has undertaken before this Court that they will maintain cordial relations while staying in the premises and will not do any such kind of act which cause any aspersion on the character of the respondent No. 4-senior citizen.

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9. Petition is allowed in above terms.
10. Pending miscellaneous application, if any, also stands disposed of.

**April 04, 2025**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*

*Whether reportable : No*