

(2022-1)205 PLR 160

PUNJAB AND HARYANA HIGH COURT

Before: Mr. Justice Gurbinder Singh Gill.

POOJA – Petitioner,

versus

DISTRICT MAGISTRATE and others – Respondents.

RA-CW-187-2021 in CWP-9453-2021

(i) Review – Order came to be passed as counsel for the petitioner had submitted at the very outset, that he does not press upon his petition – In these circumstances, the counsel himself having chosen not to press upon his case, there is no case for reviewing the order passed on the basis of such statement.

(ii) Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (50 of 2007) – Cannot be said that provisions have been misused for the purpose of throwing out a daughter-in-law inasmuch as it is very apparent that even the son was siding with his wife i.e. the petitioner who is daughter-in-law – Would clearly indicate that he was not helping his parents but was supporting his wife and thus it cannot be said that the provisions of Act have been misused.

Cases referred to:-

1. (2020-3)199 PLR 156, *Simrat Randhawa v. State of Punjab*.

Mr. Sandeep Arora, for the applicant-petitioner.

Gurbinder Singh Gill, J. – (10th September, 2021) – This order shall dispose of the aforesaid review application filed on behalf of petitioner-Pooja seeking review of order dated 4.5.2021 passed by this Court in CWP No.9453-2021.

2. A few facts necessary to notice for disposal of this application are that Satpal (father-in-law) of petitioner-Pooja had moved an application before the District Magistrate, Jalandhar for protection of his life and property being a senior citizen under provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and Punjab Maintenance and Welfare of Parents and Senior Citizens Rules, 2012. The respondents arrayed therein were the son and daughter-in-law of the applicant Satpal.

3. The said application was contested and was ultimately accepted vide order dated 25.9.2019 and the respondents arrayed therein were directed to vacate the premises in question.

4. Feeling aggrieved by the said order, daughter-in-law Pooja challenged the same by way of filing CWP-9453-2021 which came up for hearing before this Court on 4.5.2021 and the following order was passed:

“Today, at the very outset, learned counsel for the petitioner submits that he does not press upon this petition.

Even otherwise, this Court does not find any infirmity in the impugned order. However, keeping in view the request made on behalf of the petitioner for extension of time to vacate the premises in question and while noticing that the entire Nation is going through tough times on account of spread of pandemic COVID-19, it is ordered that in case the impugned order has not been executed so far, the same shall not be executed till 30.07.2021. The petitioner shall handover the vacant possession of the premises in question to respondent No.2 on or before 31.07.2021.

The petition stands disposed of with the aforesaid direction.”

5. Learned counsel while pressing upon the review application places reliance upon *Simrat Randhawa v. State of Punjab and others*¹ (2020-3)199 PLR 156, to contend that since the Punjab Maintenance and Welfare of Parents and Senior Citizens Rules 2012 have been held to be ultra-vires and that it had also been held that Punjab Action Plan 2014, cannot be held to be legally enforceable instrument, therefore order dated 4.5.2021 deserves to be reviewed.

6. I have heard learned counsel for the petitioner and have also perused in the cited judgment. This Court is unable to agree with the contentions put forth on behalf of the applicant/petitioner for the following reasons:

(i) The order sought to be reviewed i.e. order dated 4.5.2021 came to be passed as counsel for the petitioner had submitted at the very outset, that he does not press upon his petition. In these circumstances, the counsel himself having chosen not to press upon his case, there is no case for reviewing the order passed on the basis of such statement.

(ii) The impugned order was passed by the District Magistrate, Jalandhar on 25.9.2019 and as on the said date Punjab Maintenance and Welfare of Parents and Senior Citizens Rules 2012 and Punjab Action Plan 2014 were very much in force and had not been struck down.

(iii) After writ petition i.e. CWP-9453-2021 was disposed of on 4.5.2021, the husband of the applicant/petitioner Pooja filed a writ petition in this Court i.e. CWP No.13617-2021 on the ground that Punjab Action Plan had already been declared unconstitutional and that order dated 25.9.2019 had been rendered redundant. However, the said writ petition was withdrawn by the husband of the applicant-petitioner. The order dated 27.7.2021 reads as follows:

“Learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition with liberty to avail appropriate remedy for the redressal of the grievance of the petitioner as raised in the present petition.

Ordered accordingly.”

(iv) In the instant case, it cannot be said that the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, have been misused for the purpose of throwing out a daughter-in-law inasmuch as it is very apparent that even the son of Satpal was siding with his wife i.e. the petitioner who is daughter-in-law of Satpal as the son himself filed a writ petition i.e. CWP-13617-2021 even after dismissal of the petition filed by Pooja (present applicant-petitioner) which would clearly indicate that he was not helping his parents but was supporting his wife and thus it cannot be said that the provisions of Act have been misused.

7. In view of the aforesaid reasons, this Court does not find any case for review of the order in question. The review application is sans any merit and the same is hereby dismissed.

*R.M.S.
dismissed.*

-

Appeal