

CWP-1599-2014

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

CWP-1599-2014

Date of Decision: 14.12.2015

Baldev Singh

... Petitioner(s)

Versus

The Appellant Tribunal-cum-District Magistrate, Sangrur and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Vikas Mehsampuri, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, Addl. A. G. Punjab.

Ms. Mansi Bansal, Advocate,
for respondent No.3.

Paramjeet Singh, J.

This is an avoidable and unfortunate litigation between son and father i.e. petitioner and respondent No.3, respectively.

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 24.05.2013 (Annexure P-2) passed by respondent No.1-District Magistrate whereby maintenance, as awarded by respondent No.2 to respondent No.3, has

CWP-1599-2014

been enhanced from ₹1,200/- to ₹4,000/- per month.

Brief facts of the case are to the effect that respondent No.3-Hari Singh moved application under Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the 2007 Act') against his son-Baldev Singh (petitioner herein) with the averments that his son has been living separately for the last 14-15 years. The petitioner consumes liquor and takes drugs. Respondent No.3 also averred that the petitioner threatens him to vacate the ancestral house. He also averred that his wife is handicapped and they have no source of income. Respondent No.2-Sub Divisional Magistrate, Malerkotra after hearing the parties allowed the application and directed the petitioner to pay ₹1,200/- per month to respondent No.3 for his livelihood vide order dated 04.01.2012 (Annexure P-1). Against that, respondent No.3 preferred appeal for enhancement of maintenance which has been allowed by respondent No.1-District Magistrate, Sangrur vide impugned order dated 24.05.2013 (Annexure P-2) and the amount was enhanced to ₹4,000/- per month. Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner has vehemently contended that the petitioner is a heart patient and remains ill. There is no other earning member in the family of the petitioner. Respondent No.3 used to beat the grand-mother of the petitioner and, therefore, grand-father of the petitioner transferred his land in the name of the

CWP-1599-2014

petitioner. The impugned order dated 24.05.2013 (Annexure P-2) has been passed without considering the fact that respondent No.3 is earning handsome by selling milk. The house where respondent No.3 is residing, is owned by the petitioner but he is residing separately. The petitioner has no source of income and is unable to pay the maintenance.

Per contra, learned State counsel and learned counsel for respondent No.3 have vehemently opposed the contentions of learned counsel for the petitioner and contended that the petitioner contested the election of Gram Panchayat in July, 2013 and he is a hale, hearty and not suffering from any disease. The petitioner received more than ₹23 lacs by selling the land transferred in his favour by father of respondent No.3. As per Section 4 of the 2007 Act, son is duty bound to maintain his parents. The petitioner has sufficient source of income and he alongwith his family lives luxurious life.

I have considered the rival contentions of learned counsel for the parties.

I had the occasion to deal with almost the identical dispute in ***Ashwinder Singh and another vs. Bhagwant Singh and another***, 2014(3) R.C.R. (Civil), 906 . It would be apposite to reproduce relevant paragraphs:-

“This unfortunate regular second appeal is a poignant reminder of decaying social values and traditions in our country. The case is telltale story of how children have become detached in today's commercialized world and are making attempts to throw out their aged parents from the

CWP-1599-2014

property which the parents have acquired during their lifetime. It is perfect example of children becoming insensate towards parents/senior citizens.

“Maatru Devo Bhava” (revere your mother as God) and “Pitro Devo Bhava” (revere your father as God) is a well-known proverb.

2. On page 1200 of Sri Guru Granth Sahib, Sri Guru Ram Dass has written that “KAAHAY POOT JHAGRAT HA-O SANG BAAP / JIN KAY JANAY BADEERAY TUM HA-O TIN SIO JHAGRAT PAAP//” (O son, why do you argue with your father? It is a sin to argue with the one who fathered you and raised you.).

3. The above words of prudence guide us that we have to treat our parents as God. Modernization, technological advancement and social liability have changed our life-style and values. Sadly, our bent of mind and responsibility towards parents has degenerated. We have forgotten about Sharavan Kumar, who placed his blind parents in two baskets and carried the baskets on his shoulder to various places of pilgrimage. We have also forgotten the duties of a son towards aged parents. We have completely given up our ancient traditions when parents were most revered and respected.”

The 2007 Act addresses the need arising from the unfortunate plight which many elderly persons and senior citizens have to suffer on account of thinning of family fabric and rise of micro families as well as on account of economic compulsion of the family where man and wife have to work full time. Though parents want to maintain their independence and do not expect much from adult children as children expect from them, parents also hope that children will be

CWP-1599-2014

there for them when called upon particularly in the evening of their life. Often parents lay less emphasis upon physical and financial support, however at least, expect emotional support of children and grand children.

Now adverting to the facts of this case, it is not in dispute that respondent No.3 is a senior citizen as defined and contemplated under Section 2(h) of the 2007 Act and being biological father of the petitioner, respondent No.3 and his wife are parents within the meaning of the term under Section 2(d) of the 2007 Act and the petitioner being son of respondent No.3 is covered within the meaning of the term children under Section 2(a) of the 2007 Act. Respondent No.3 has claimed for maintenance for himself and his wife as defined and contemplated under Section 2(b) of the 2007 Act which includes provision for food, clothing, residence and medical attendance and treatment. Section 4 of the 2007 Act provides that the obligation of the children or the relative to maintain parent or senior citizen also extends to the needs of parents or senior citizens so that he/they may lead a normal life.

In the present case, the petitioner does not stay with respondent No.3 and from the material on record, it does not come out that he is extending any care or help to his parents and/or he does not provide for, or does not even contribute any thing for, their maintenance. From the material on record, it is ample clear that respondent No.3 does not have any income/source of income to maintain himself and his wife

CWP-1599-2014

and to meet with their daily expenses.

It is apparent and obvious from the material on record that respondent No.3 does not get any physical or emotional care, protection and support or any monetary help from his son-petitioner. This is one disquieting instance where a son has audaciously decided that his old aged parents should move to and stay anywhere.

Respondent No.1-District Magistrate has enhanced the maintenance assuming that respondent No.3 i.e. the senior citizen is not able to lead normal life from his earning/income and is also able to (and actually does) satisfy the authority that he is unable to maintain himself from his earning. The appellate authority has enhanced the maintenance considering the fact that respondent No.3 may lead normal life as contemplated under Section 4 of the 2007 Act. Admittedly, father of respondent No.3 had transferred the property straightway in the name of petitioner. It has come on record that the petitioner has sold that land for a sale consideration of ₹20 lacs, rather respondent No.3 has nothing with him to lead a normal life. There is nothing on record to show that respondent No.3 has sufficient means to earn livelihood for him as well as his wife in the evening of his life. Respondent No.3 has been able to prove that his income is insufficient and inadequate to meet his requirements to lead normal life. Respondent No.3 and his wife are senior citizens. In these days, prices of essential commodities have risen sky high and it is very difficult for respondent No.3 and his wife to maintain themselves and lead a normal life on the meager amount of

CWP-1599-2014

₹1,200/- and the appellate authority has rightly enhanced the amount to the tune of ₹4,000/- per month.

In view of above, learned counsel for the petitioner has failed to point out any illegality or perversity in the impugned order.

Dismissed.

14.12.2015

parveen kumar

**(Paramjeet Singh)
Judge**