

CWP No.23261 of 2015

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

CWP No.23261 of 2015
Date of decision: 02.11.2015

Rajbir Singh and another

....Petitioners

Versus

Presiding Officer, Maintenance Tribunal-cum-SDM, Karnal and others

....Respondents

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. G.S. Sandhu, Advocate, for the petitioners.

PARAMJEET SINGH, J.

Instant writ petition under Article 226 of the Constitution of India has been filed for issuance of a writ in the nature of *certiorari* quashing the order dated 06.01.2014 (Annexure P-3) passed by respondent No.1 – Presiding Officer, Maintenance Tribunal-cum-SDM, Karnal, whereby petitioners and respondents No.5 to 7 have been directed to pay interim maintenance @ ₹ 7,500/- per month to respondents No.3 and 4 till final decision of the petition as well as against the order dated 24.02.2015 (Annexure P-5) passed by respondent No.2 – District Magistrate, Karnal, whereby appeal filed by the petitioners has been dismissed.

Brief facts of the case are that petitioners and respondents

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No.5 to 7 are the sons of respondents No.3 and 4 aged about 76 years and 75 years, respectively. Respondent No.3 was the owner of the property measuring 46 acres at Village Kheri Naru. Due to love and affection respondent No.3 distributed his entire agricultural land, including his own share, to petitioners and respondents No.5 to 7. Petitioners and respondents No.5 to 7 started ignoring respondents No.3 and 4 as a result of which respondents No.3 and 4 moved an application under Sections 4, 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act before the Maintenance Tribunal. It is averred in the application that respondent No.3 is the heart patient and needs huge amount for surgery.

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

Admittedly, respondents No.3 and 4 are senior citizens aged about 76 years and 75 years, respectively. Property was in the name of respondent No.3 – father of petitioners and respondents No.5 to 7. He distributed his all property, including his own share, amongst his sons. Keeping in view daily needs, medical expenses etc. Tribunal has rightly awarded the maintenance @ ₹ 7,500/- per month to respondents No.3 and 4 and appeal of the petitioners has rightly been dismissed by the appellate authority.

Learned counsel for the petitioner has failed to point out any illegality or perversity in the impugned orders.

Dismissed in limine.

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However, it is made clear that interim maintenance awarded shall be adjustable against the maintenance that may be finally awarded by the Maintenance Tribunal.

November 02, 2015
R.S.

(Paramjeet Singh)
Judge