

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.7344 of 2016

Date of decision: December 27, 2016

Sarbjeet Kaur & another

...Petitioners

Versus

Gurbant Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. RVS Chugh, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 28.06.2016, passed by Sub Divisional Magistrate, Mansa, whereby petitioner Sarabjeet Kaur has been directed to pay Rs.1500/- per month to the respondent under section 4-5 of the Maintenance & Welfare of Parents & Senior Citizens Act, 2007.

Learned counsel for the petitioner has assailed the order. According to him, respondent has sufficient source of income to maintain herself as she owns movable and immovable properties. Moreover, application under section 125 Cr.P.C. filed by respondent No.1 against petitioner has already been dismissed by Judicial Magistrate 1st Classs, Mansa. Thus, the authority has passed the impugned order without application of mind.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent Gurbant Kaur, who is mother of petitioner No.1, filed an application under Section 4-5 of Maintenance

and Welfare of Parents and Senior Citizens Act, 2007 for grant of maintenance. Vide order dated 01.04.2015, the authority accepted the application and directed petitioner No.1 to provide residence to the respondent and to pay Rs.1500/- per month as maintenance to her. In view of said order, petitioner No.1 appeared before the authority along with keys of house and Rs.1500/-. However, at that time respondent refused to take the same. Thereafter, respondent started living in the adjoining plot. She again filed application in this regard. Petitioner appeared and produced order dated 11.01.2016, passed by Judicial Magistrate 1st Class, Mansa, dismissing application under section 125 Cr.P.C. However, the authority after considering old age of the respondent, has ordered petitioner no.1 to pay Rs.1500/- per month. Other two daughters namely, Harpreet Kaur and Amarjit Kaur have also been directed to pay Rs.1000/- each to their mother i.e. respondent. A perusal of record shows that son of respondent No.1 namely, Hardeep Singh had expired when he was unmarried and now she has only three daughters and therefore, they are legally bound to maintain their mother i.e. respondent. I find no infirmity with the order passed by the authority. There is no ground to interfere in revisional jurisdiction.

Dismissed. The authority to ensure that the maintenance amount is paid well in time, failing which appropriate action be taken as per law.

December 27, 2016
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No