

CWP No.11785 of 2014

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

CWP No.11785 of 2014
Date of decision: 25.05.2016

Surinder Sood

....Petitioner

Versus

Collector (ADC) Ludhiana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 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. Atul Goyal, Advocate, for the petitioner.
Mr. Ranbir Singh Pathania, DAG, Punjab.
Mr. Baldev Krishan Sood – respondent No.3 in person.

PARAMJEET SINGH DHALIWAL, J.

Instant writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of *certiorari* for quashing the order dated 13.03.2013 (Annexure P-4) passed by respondent No.2 vide which the petitioner has been directed to pay a sum of ₹ 5,000/- per month to respondent No.3 as maintenance under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act') and order dated 13.11.2013 (Annexure P-8) passed by respondent No.1 whereby appeal preferred by the petitioner has been dismissed.

Brief facts of the case are that respondent No.3, who is aged about 73 years, approached respondent No.2 – Sub Divisional Magistrate Ludhiana (East), with a grievance that he is suffering from heart problem.

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He has one daughter and two sons and their marriages have been solemnized by him. He purchased a plot measuring 266 sq. yards at Dugri wherein he constructed 12 quarters and two shops with a purpose to give on rent to secure income in old age. Petitioner and his wife Kavita have taken the possession of the vacant land situated at Sham Nagar as well as Dugri and they are earning monthly rent at the rate of ₹ 18,000-20,000/- from the said properties situated in Sham Nagar and quarters and shops situated in Dugri. Petitioner has been receiving the rent of these premises for the last two years. When respondent No.3 went to collect the rent, petitioner gave beatings to respondent No.3 and his wife. He also took possession of the kitchen, locked it and also broke the glass of shop of second son of respondent No.3, namely, Narinder Kumar. It is averred in the application before the Sub Divisional Magistrate that in spite of taking huge rent petitioner is harassing the applicant-respondent No.3. After considering the evidence led by the parties, Sub Divisional Magistrate (East), Ludhiana vide order dated 13.03.2013 (Annexure P-4) directed the petitioner to pay ₹ 5,000/- per month as maintenance to respondent No.3. Against the order dated 13.03.2013 (Annexure P-4) petitioner preferred appeal before the Collector (ADC), Ludhiana, which has been dismissed vide order dated 13.11.2013 (Annexure P-8). Hence, this writ petition.

I have heard learned counsel for the petitioner as well as respondent No.3 in person.

Section 4 of the Act puts an obligation to maintain the senior citizen parents and Section 5 of the Act provides for filing of application for maintenance before the Tribunal. There is categorical finding by the

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authorities below that petitioner is getting rent out of the quarters and the shops in question and is having a monthly income of ₹ 18,000-20,000/- from the same. Respondent No.3 has been awarded only a meagre amount of ₹ 5,000/-. Learned counsel for the petitioner has failed to show any source of income of respondent No.3. Respondent No.3 who is an old age person and suffering from heart problem, cannot be left in lurch. It is the duty of the children to maintain their old age parents.

Learned counsel for the petitioner failed to show any perversity in the impugned orders.

Dismissed. No order as to costs.

(Paramjeet Singh Dhaliwal)
Judge

May 25, 2016
R.S.