

Sr. No.220

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

CWP No. 1127 of 2015

Date of decision:07.09.2016

Gursewak Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Inderjit Sharma, Advocate
for the petitioners.

Mr. Anant Kataria, DAG, Punjab.

Mr. G.S.Brar, Advocate
for respondents No. 4 and 5.

Rakesh Kumar Jain, J.(Oral)

This petition is filed against the order dated 17.07.2014 (Annexure P-2) and 09.09.2014(Annexure P-3) by which respondent No. 4 has been awarded ₹ 10,000/- as maintenance per month.

There is no dispute that late Hardam Singh had three sons namely, Jagtar Singh, Avtar Singh and Kuldeep Singh. He transferred his property during his life time to all the three sons in equal shares. Application has been filed by respondent No. 4 under Section 4 of the Maintenance and welfare of Parents and Senior Citizens Act 2007(for short, 'the Act') against both her sons and three grand sons of Kuldeep Singh. The competent authority has passed the order of payment of ₹10,000/- as maintenance to respondent No. 4 and ordered that all the three sons who have been given the property of late Hardam Singh to pay in equal proportion i.e. ₹3000/- each by respondents No. 5 and 6 and ₹1100/- each by the three petitioners.

The only argument raised by counsel for the petitioners is that respondent No. 5 is a doctor and respondent No. 6 has retired from government service, therefore, they are able to maintain respondent No. 4 and the amount of maintenance has been wrongly imposed upon them.

In reply, counsel for the respondents has submitted that the petitioners are also beneficiaries of the property transferred by late Hardam Singh during his life time and fall within the definition of children as provided under Section 2(a) of the Act.

I have heard learned counsel for the parties and perused the available record. There is no reason or scope to interfere in this petition especially when all the sons namely Jagrar Singh, Avtar Singh and the sons of Kuldeep Singh(petitioners) have been asked to pay maintenance of ₹10,000/- divided equally to the extent of 1/3rd each as they are all the beneficiaries of the property transferred by the late husband of respondent No. 4. Therefore, there is no merit in the present petition and the same is hereby dismissed.

7th September, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No