

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

Civil Revision No.1447 of 2016

Date of decision: June 06, 2017

Ramesh Chawla

...Petitioner

Versus

Smt. Raj Rani @ Raj Karani

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Puneet Bali, Senior Advocate with
Mr. Ranjit Saini, Advocate for the petitioner.
Mr. N.S. Sodhi, Advocate for the respondent.

Rajan Gupta, J.

Present revision petition is directed against the order dated 18.12.2015, passed by Sub Divisional Officer-cum-Presiding Officer of the Maintenance Tribunal, Tehsil Dharamkot, District Moga (Constituted under Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007), whereby application filed by respondent under sections 23-24 of the Act has been allowed and the transfer deeds dated 16.6.2014 and 18.6.2014 (Annexures P-1 to P-3), executed by the respondent in favour of petitioner, have been cancelled.

Learned senior counsel appearing for the petitioner has assailed the order. According to him, petitioner is presently residing at Chandigarh and he is ready to take and keep the respondent/applicant at Chandigarh with him. He is even ready to pay maintenance amount to the respondent. Thus, the authority has passed the impugned order

without application of mind.

Plea has been opposed by counsel appearing for the respondent. He has submitted that petitioner with a bad intention brought the respondent to Dharamkot and got transferred property having an area of 14 Kanals 06 *Sarsahi*, situated in Kishanpura Kalan, through Transfer Deed No.854 dated 18.6.2014 in his name and had taken her back to Chandigarh, but after some time she was shunted out from his house.

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

It appears, respondent Raj Rani, who is mother of petitioner, filed an application under Section 23-24 of Senior Citizen Welfare Act, for cancellation of transfer deeds dated 18.6.2014, executed by her in favour of her son i.e. petitioner herein in respect of house measuring 14 Marla 6 *Sarsahi*. Vide order dated 18.12.2015, the authority accepted the application and ordered for cancellation of deeds No.854, 838 dated 18.6.2014 and 807 dated 16.6.2014 in favour of petitioner, by observing that the said deeds were obtained by the petitioner by misleading the respondent with intention to cheat her. I find no infirmity with the order. The authority considered the entire material on record and came to the conclusion that Raj Rani being of old age, had been duped by the petitioner with a view to deprive her of her property. She was later shunted out of the house. Arguments raised by petitioner do not impress this court. The special enactment was made with a view to safeguard the interest of the senior citizens as increasing incidents of them being deprived of basic amenities and physical needs in the dusk of their life,

were coming to fore. Besides, acts of fraud and coercion to force senior citizens to part with their property, were also becoming rampant. Section 23 of the Act, thus, contemplates that any citizen, who transfers his property by way of gift or otherwise, yet transferee does not provide basic amenities to the transferor, such alienation would be deemed to be a result of fraud, coercion or undue influence. An option has, thus, been given to the senior citizen to get the same declared void. Not only this, Section 24 envisages punishment upto three months or fine which may extend to five thousand rupees in case of abandonment of a senior citizen. In my considered view, the authority below has taken a lenient view and has not punished the respondent under Section 24 of the Act. It has merely cancelled the transfer deeds, executed by transferor vide three separate deeds dated 16.6.2014 and 18.6.2014. In my considered view, the tribunal has acted in a manner as to achieve the objective and reasons of the special enactment. The order passed by it is upheld. The authority shall take immediate measures for executing the order passed by it. With these observations, this petition is dismissed.

June 06, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No