

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13874 of 2016

Date of Decision: 7th September, 2017

Balwan

....Petitioner

Vs.

Presiding Officer, Maintenance Tribunal, Kalayat, District Kaithal and
others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Rahul Deswal, Advocate,
for the petitioner.

Mr.Ashok Muthreja, DAG, Haryana.

Mr.S.S. Duhan, Advocate,
for respondents No.2 & 3.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed by the son of respondent No.2 to challenge the order dated 14.6.2016 passed by the Maintenance and Welfare of senior Citizen Tribunal, Kalayat on an application filed by respondent No.2 under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short 'the Act']. Respondent No.2 is a widow. Her husband was in Army. She has been admittedly getting ₹5000/- as pension. She has two sons, namely, the petitioner and respondent No.3. At present she is living with respondent No.3. The Maintenance Tribunal, on the statement made by both the sons of respondent No.2, directed that they would give 1 acre of land each to respondent No.2. The Maintenance Tribunal was also of the view that the agricultural land in village Dundhwa would get ₹25,000/- per year as lease money. Accordingly, the Tribunal was of the view that if

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both the brothers give one acre of land each to their mother and the said land is leased out by her then she would get ₹50,000/- per year towards lease money besides ₹5000/- as monthly pension. According to the Tribunal, if this arrangement is made then respondent No.2 would get sufficient maintenance.

At the time of notice of motion, learned counsel for the petitioner had argued that he is ready to deposit ₹25,000/- as his share in the account of his mother but he was afraid that if the land is transferred in the name of his mother then it would be sold at the instance of his brother. Consequently, transfer of the land was stayed by this Court. On 23.5.2017, this Court had passed the order that the interim order will remain operative only on deposit of a sum of ₹25000/- in the account of respondent No.2 along with an additional amount of ₹10,000/-.

Learned counsel for the petitioner has submitted that he has already deposited ₹35000/- pursuant to the order dated 23.5.2017. The only reservation of the petitioner about the impugned order was regarding the transfer of land in the name of his mother as he was apprehending that the said land may not be sold by respondent No.3 with whom his mother is presently residing. He has submitted that if he is ensured by this Court that ultimately, after the demise of his mother, the land would revert back to him then he is ready and willing to transfer the same.

Learned counsel for respondents No.2 & 3 has submitted that they will make an arrangement with regard to retransfer of land from respondent No.2 to the petitioner in case of her demise.

Accordingly, the present petition is hereby disposed of maintaining the order of the Maintenance Tribunal, with a direction that when the petitioner would transfer the land measuring one acre to his

mother/respondent No.2, she would also execute and register irrevocable Will of the said land in favour of the petitioner which shall not be challenged in any manner by respondent No.3 in the Courts of law. Meaning thereby, the arrangement of the transfer of land by the petitioner to respondent No.2 would be only for her life time and as soon as she goes to her heavenly abode the said land would revert back to the petitioner. It is also made clear that the land transferred by respondent No.3 to respondent No.2 would not also be claimed by the petitioner.

(RAKESH KUMAR JAIN)
JUDGE

7th SEPTEMBER, 2017

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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*