

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

(211)

CWP-165-2015

Decided on: March 17, 2017.

Manohar Singh

.... Petitioner

Versus

Tejinder Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ranjit S. Dhiman, Advocate, for the petitioner.

Mr. Premjit Kalia, Advocate, for respondent No.1.

Ms. Anu Pal, AAG, Punjab for respondents No. 2 and 3.

M.M.S. BEDI, J (ORAL)

Petitioner, admittedly, is step son of respondent No.1 Tejinder Kaur. He is aggrieved by the order passed by the authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, awarding maintenance @ Rs.7,000/- per month to respondent No.1.

Respondent No.1 Tejinder Kaur is apparently the second wife of Bawa Singh, the natural father of the petitioner on the basis of averments in Will dated 04.12.2009, photographs, voter list of year 2012, Aadhar Card, Ration Card and passbook of the Cooperative Bank.

Learned counsel for the petitioner has submitted that no doubt the petitioner has acquired land measuring more than 65 kanals but his income from the said land is only Rs.85,000/- per annum i.e. Rs.6500/- per month as per the report submitted by the revenue officers of the concerned Circle. He has argued that the petitioner is not liable to maintain respondent No.1 as it is mentioned in Will dated 04.12.2009 that the deceased had made adequate arrangements for the respondent wife during his life time.

Counsel for the petitioner has not been able to bring to the notice of this Court any circumstance indicating that any other resources are available to respondent No.1 or that she is not dependent upon the petitioner. It is admitted fact that petitioner is only person who had inherited the property of Bawa Singh.

No doubt, it has been brought to the notice of this Court that validity of the Will has been challenged by respondent No.1 in the Civil Court but the said fact is not relevant for adjudication of the present writ petition.

The question which is required to be determined in the present case is whether the amount of maintenance awarded to respondent No.1 by the authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is just and appropriate.

Learned counsel for respondent No.1 submits that the petitioner is earning from the management of Gurudwara Sahib in the village as well as from his two trucks which are being plied in Madhya Pradesh.

There is uncertainty about the exact income of the petitioner but in view of the fact that he is heir of Bawa Singh and is required to maintain second wife of Bawa Singh i.e. respondent No.1, who is a senior citizen, as per the definition of Section 2 (4) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The scope of interference in the order passed by the authorities under the aforesaid Act, is meager but taking into consideration the fact that the petitioner has got earnings from 8/9 kallas of land situated in the village and there being dispute whether he is actually earning Rs.40,000/- to

Rs.50,000/- from other sources, it will be deemed appropriate in the circumstances of the present case, striking a balance between the rights of the petitioner and claim of respondent No.1 as a senior citizen, to award maintenance at the rate of Rs.6,000/- per month with effect from the date of filing of the original petition for maintenance before the Sub Divisional Magistrate, Ajnala, Amritsar.

It is directed that the entire arrears calculated at the rate of Rs.6,000/- per month will be paid within a period of two months from today and the future maintenance will be paid by 10th of every calender month. In case of non-compliance of the order, it will be open to respondent No.1 to execute the order in accordance with procedure of law.

Disposed of with above observation.

(M.M.S. BEDI)
JUDGE

March 17, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No