

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

**CWP No.12465 of 2017
Date of decision:01.06.2017**

Ashwani Kumar

... Petitioner

Vs.

The Sub Divisional Magistrate-2-cum-Tribunal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anil Chawla, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner son of respondent No.2 has invoked the extra ordinary jurisdiction of this Court by challenging the order dated 25.02.2016 (Annexure P-3) of Sub Divisional Magistrate, whereby, maintenance of ₹5,000/- has been fastened, much less direction has been given to him to provide one room and one kitchen to respondent No.2, i.e., father of the petitioner.

The grievance of the petitioner in short is that respondent No.2, father of the petitioner has the money in lacs and as a result thereof, separate property has been purchased but he is not vacating the premises and in this regard, civil suit for possession has already been filed.

This Court has come across in many cases involving litigation amongst the old ailing parents/senior citizens *vis-a-vis* daughter-in-law and son.

Admittedly, the petitioner along with his wife is residing in Italy. The ordering of ₹5,000/- as maintenance, in my view, cannot be said to be onerous upon the married son, who is working in Italy. As regards, question of title, the same is within the domain of Civil Court which will be seen on preponderance of the evidence. For the time being, the order under challenge cannot be said to be illegal and perverse or vitiated in law.

No ground is made out for interference in the impugned order.

Accordingly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

June 01, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No