

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

(221)

CWP-22896-2014 (O&M)

Decided on: February 23, 2017.

Palwinder Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Sawinder Singh, Advocate, for the petitioner.

Mr. Inderpal Goyat, Addl. A.G., Punjab.

Mr. B.S. Walia, Advocate, for respondent No.2.

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

Vide impugned order dated 24.06.2014 Annexure P-5 passed by the District Magistrate Fatehgarh Sahib, the petitioner has been directed to pay maintenance at the rate of Rs.10,000/- per month to respondent No.2 by modifying the order passed by SDM in proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

It is averred in the petition that respondent No.2 is not entitled to any maintenance because he is able to maintain himself being an ex-serviceman and drawing pension from the Central Government to the extent of Rs.7500/- per month. Besides this, there is another son of respondent No.2 from whom respondent No.2 never claimed any maintenance. Taking into consideration the fact that the petitioner had been transferred land measuring 8 marlas by respondent No.2 in village Sirhind, Tehsil and District Fatehgarh Sahib, as per the jamabandi for the year 2006-07 with an expectation that the petitioner will look after and would provide the basic amenities of life and basic physical needs to the transferor, the petitioner being duty bound to maintain the old father, is required to pay maintenance

to respondent No.2 and is also bound to provide basic amenities and look after basis physical needs of his father as per the mandate of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and striking a balance between the resources of the petitioner and respondent No.2, I deem it appropriate and expedient in the interest of justice to reduce the amount of maintenance from sum of Rs.10,000/- to sum of Rs.6,000/- per month which appear to be sufficient enough to enable respondent No.2 to take care of his basic amenities and needs. The entire arrears with effect from 10.03.2014 will be paid within a period of two months. Any amount already paid will be adjustable. The future maintenance will be paid by 10th of each month in the shape of bank draft to be deposited in his account. It is made clear that in case the entire arrears are not paid within a period of three months from today and an application is filed by respondent No.2 before the District Magistrate or the Sub Divisional Magistrate, it will be open to the authority to entertain application under Section 23 of the said Act for voiding the transfer deed in favour of the petitioner and to effect recoveries in accordance with law.

Disposed of with abovesaid observations.

(M.M.S. BEDI)
JUDGE

February 23, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No