

CWP-4076-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Decided on: March 2, 2017.

Harpreet Singh

.. Petitioner(s)

VERSUS

Sub Divisional Magistrate and another

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Mr.D.C.Mittal, Advocate,
for the petitioner.**

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

The petitioner is aggrieved by order Annexure P2 dated 20.9.2016, passed by Maintenance Tribunal, Budhlada, allowing the application of respondent no.2 ordering for payment of maintenance to respondent no.2 @ Rs.2500/- per month from the date of order.

Counsel for the petitioner submits that as per Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the property transferred by a senior citizen by gift or otherwise could be voided in case the transferee fails to provide basic amenities and basic physical needs to the transferor. Counsel for the petitioner submits that though the transfer deed has not been cancelled but the petitioner has been directed to pay maintenance @ Rs.2500/- per month which had never been prayed for by respondent no.2.

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I have heard counsel for the petitioner and I am of the opinion that the impugned order can be challenged before the Appellate Tribunal, under Section 16 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, as per ratio of judgment in *Paramjeet Kumar Saroya Vs. The Union of India reported in AIR 2014 Punjab and Haryana page 121* holding that the provisions of Section 16 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, must be read to provide for a right of appeal to any of the affected parties as there is no negative provision in the Act denying the right of appeal to the parties other than the parents and senior citizens.

This petition is disposed of as not maintainable relegating the petitioner to avail the alternative remedy with liberty to raise all the pleas taken up in the present writ petition before the Appellate Tribunal. In case the appeal is filed within a period of 30 days, the same would be entertained.

(M.M.S. BEDI)
JUDGE

March 2, 2017.
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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No