

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

**CWP No. 12082 of 2016
Date of Decision: 18.01.2018**

SURJIT SINGH AND OTHERS

.....Petitioners

V/S

**DEPUTY COMMISSIONER-CUM-DISTRICT MAGISTRATE,
JALANDHAR (APPELATE AUTHORITY UNDER THE MAINTENANCE
AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007).**

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Sandeep Arora, ADvocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Jagjit Singh, Advocate,
for respondent No. 3.

RAKESH KUMAR JAIN, J. (Oral)

Petitioner No. 1 is the son-in-law and petitioners No. 2 and 3 are the grandsons of respondent No. 3. It is submitted that respondent No. 3 has filed an application under Section 5 (1) (a) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (herein after referred to as 'the Act') before the Tribunal-cum-Sub Divisional Officer, Jalandhar, for seeking maintenance and occupation of the residence i.e house No. 343, Dashmesh Nagar, Jalandhar which was jointly owned by her. The application was allowed on 23.10.2013 on a concession given by the petitioners that respondent No. 3 may occupy one room on the ground floor of the house in question. Still, the petitioners opted to file an appeal under Section 16 of the

Act. In that appeal, though respondent No. 3 could not appear, still, the appellate authority dismissed the same on the ground that there is no error found in the order of the Tribunal.

Learned counsel of the petitioners has though vehemently argued that the impugned order is patently illegal but could not point out any legal defect in the impugned order and the provision of law in favour of the petitioners.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

January 18, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No