

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3238 of 2018
Date of Decision:24.09.2018

Amrik Singh

..... Petitioner

Vs.

Deputy Commissioner-cum-Appellate Tribunal and others

..... Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Ramneek Vasudeva, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is the son of respondent No.4, who has challenged the order dated 15.11.2017 by which the transfer deed bearing Vasika No.1334 of the land measuring 6 kanal 3 marla situated in Village Paddi Mattwali, District Shaheed Bhagat Singh Nagar, executed by respondent No.4 in favour of the petitioner has been set aside in terms of the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short 'the Act'].

In brief, the petitioner is allegedly about 80 years of age. He is the son of respondent No.4, who had executed a transfer deed bearing Vasika No.1334 of land measuring 6 kanal 3 marla situated in Village Paddi Mattwali, District Saheed Bhagat Singh Nagar in his favour. Respondent No.4 filed an application under Section 23 of the Act for annulment of the transfer deed on the ground that the petitioner is not maintaining her. The said application has been allowed and hence, the present writ petition.

Learned counsel for the petitioner has submitted that the funds for purchasing the land in question were provided by the petitioner.

However, the stand taken by the petitioner has been denied by respondent No.4, who has alleged that the property in question was purchased by her husband and it was transferred to her on 8.8.1975. It is also submitted that the stand of the petitioner is that he had sent money from Oman in October 1977 is not correct because the property in dispute was purchased in the name of respondent No.4 on 8.8.1975.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that there is hardly any merit in this case.

The Division Bench of this Court in *CWP No.5086 of 2016* titled as “*Smt. Raksha Devi Vs. Deputy Commissioner-cum-District Magistrate, Hoshiarpur and others*” decided 03.05.2018 has held that it is not necessary that the condition of maintaining the parent/transferor should be categorically incorporated in the transfer deed rather it would be suffice if the assurance is given by the transferee orally that he provide all basic maintenance and basic physical needs to the transferor.

In view thereof, I do not find any merit in this petition as there is no scope of interference in it.

Dismissed.

24.09.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*