

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

CWP No. 26362 of 2019

Date of Decision:18.09.2019

Sewa Singh and another

....Petitioners

Versus

District Magistrate cum-Appellate Tribunal Sangrur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Arun Jindal, Advocate for the petitioners.

TEJINDER SINGH DHINDSA J.(Oral)

Challenge in the instant writ petition is to the order dated 26.04.2018 passed by the Sub Divisional Magistrate, Sunam at Annexure P-2 and in terms of which application moved by respondent No.3 herein under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 has been dealt with and the petitioners herein have been directed to pay a sum of Rs.400/- per month and Rs.1200/- per month respectively towards maintenance.

Further challenge is to the order dated 31.10.2018 passed by the Appellate Tribunal-cum-District Magistrate Sangrur, dismissing the appeal preferred by the petitioners herein.

It may be noticed that the petitioners No.1 and 2 are the son and grand son respectively of respondent No.3.

Counsel would contend before this Court that the order whereby maintenance has been fastened upon the petitioners is patently unjust and unfair. Contention has been raised that the application filed by Senior Citizen was not bona fide and had been filed at the instance of Makhan Singh i.e. brother of petitioner No.1. It has also been argued that respondent No.3 i.e. the Senior Citizen is a man of means as he was earlier

owning land to the extent of 54 kanals and out of which he of his own will and desire transferred certain land in the name of his sons and thereafter even sold 10 kanals and 1 marla to the wife of the Makhan Singh his other son for a sale consideration amount of Rs.7,55,000/-.

Suggestion has come-forth that under such circumstances the maintenance awarded by the respondent authorities is wholly unjustified.

Counsel for the petitioners has been heard at length and the pleadings on record have been perused.

During the course of arguments, it has been fairly conceded that out of the land holding of respondent No.3, 4 kanals had been transferred in the name of petitioner No.1 and 12 kanals had been transferred in the name of petitioner No.2 i.e. grand son. Even if certain other land had been transferred in the name of the other brother of petitioner No.1 and 10 kanals 1 marla had been sold by the Senior Citizen in the name of his daughter-in-law and that too during the pendency of the proceedings under the 2007 Act, still the petitioners cannot escape from their obligations towards the senior citizen who happens to be father/paternal grand father.

Even otherwise the maintenance that has been awarded is of a very meagre amount i.e. Rs.400/- per month to be paid by petitioner No.1 and Rs.1200/- to be paid by petitioner No.2. The same would not warrant any interference by this Court in exercise of its extra-ordinary writ jurisdiction.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

September 18, 2019

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No