

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

CWP No. 16581 of 2018 (O&M)

Date of Decision: 21.05.2019

Sudeesh Chhikara and another

...Petitioners

Vs.

The Tribunal constituted under the Maintenance and Welfare of Parents
and Senior Citizens Act, 2007 Chandigarh and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Aditya Jain, Advocate
for the petitioners.

Mr. Kanishk Lakhanpal, Advocate and
Mr. Rahul Dhankar, Advocate
for respondent No.2.

RAJIV NARAIN RAINA, J. (Oral)

1. No ground for interference is made out in the well-reasoned order passed by the Maintenance Tribunal, Gurugram.
2. Respondent No.2 is the mother of the petitioner. She has a son and a daughter. The second daughter has passed away. Her case set up in the Tribunal was that she was induced to part with her property on 14.11.2008 by executing a release deed in favour of the petitioner. Having done so she has not had any comfort from her daughter. The petitioner has failed to provide the basic amenities and basic physical needs to her mother. She had, therefore, applied under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for revoking the release deed of land admeasuring 05 bighas 03 biswas

comprised in khewat No.87, Khatauni No. 124, Khasra No. 315 and Khewat No. 247, Khata No. 317, Khaasra No. 269 situated in the revenue estate of Village Basai, Tehsil and District Gurugram.

3. The Tribunal has allowed the prayer for good and sufficient reasons recorded in the order returning findings of fact and keeping in view the overall circumstances of the case. In the impugned order I find no error apparent in the face of the record warranting interference in writ jurisdiction.

4. I endorse the order as sound on facts and law. The writ petition fails and is dismissed and the property stands reverted back to Ramti Devi/respondent No.2 on revocation of the release deed.

5. In case any party has tried to sell the property surreptitiously or made agreements, the rights of the Ramti Devi will remain governed by the decree of the civil suit in favour of the respondent and the Deputy Commissioner and Assistant Commissioner of Police, Gurugram will lend their assistance to the widow in maintaining her peaceful possession of the property in case required.

(RAJIV NARAIN RAINA)

21.05.2019

JUDGE

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