

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

**CWP-31285-2018(O&M)**

**Date of decision-22.01.2019**

**Raj Kumar**

**...Petitioner**

**Vs.**

**State of Punjab and others**

**...Respondents**

**CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present:     Mr. Ashish Gupta, Advocate,  
                     for the petitioner.

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**JITENDRA CHAUHAN, J.**

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of certiorari for quashing the order dated 29.01.2018 (Annexure P-1) passed by respondent No.3, vide which the petition filed by respondent No.4 under the Maintenance & Welfare of Parents & Senior Citizens Act, 2007 was allowed and Transfer Deeds bearing No.591 dated 12.04.2013, No.592 dated 12.04.2013 and No.7538 dated 16.08.2016 executed in favour of the petitioner were cancelled.

It is contended that the house in question was raised with the joint funds generated by the petitioner as well as by respondent No.4. In fact, the petitioner is the owner of the house in question to the extent of 0-2 biswa i.e. 100 Sq. yards.

However, an oral settlement took place between the parties whereby the land was exchanged in favour of respondent No.4. Pursuant to the oral settlement between the parties, vide sale deed dated 16.08.2016, the ownership of the house in question was transferred in the name of respondent No.4 by the petitioner.

Heard.

From the record i.e. transfer deeds (Annexures P-3 to P-5) it stands proved that respondent No.4 was owner in possession of land measuring 150 Sq. Yards bearing Khewat Khatauni No.4098/7144, Khasra No.4532/1695 (0-2), 6797/4533/1703 (2-8) to the extent of 11/100 share i.e. 0-3 biswa, land measuring 136 Sq. Yards bearing Khewat Khatauni No.4098/7144, Khasra No.4532/1695 (0-2), 6797/4533/1703 (2-8) to the extent of 11/100 share i.e. 0-2 ½ biswa, situated at village Ghalori and a shop bearing Municipal property No.1615, situated at Purani Kotwali Chowk, Patiala. The ownership and possession of the properties in question were transferred in favour of the petitioner as token of love and affection with the hope and understanding that the petitioner will maintain his father-respondent No.4. The said transfers were without consideration. After the transfer of the properties in question in favour of the petitioner, the latter displayed hostility towards his father and the very foundation of the transfers

ceased to exist as the survival of respondent No.4 was threatened by the act of the petitioner, therefore, he was constrained to approach respondent No.3- Sub Divisional Magistrate, Patiala for cancellation of the transfer deeds. However, plea raised by the petitioner with regard to the oral settlement entered into between the petitioner and respondent No.4, whereby land was exchanged, cannot be accepted as gospel truth in the absence of any cogent evidence.

Considering the conduct of the petitioner and the fact that the sale deeds in question were conditional, this Court finds no reason to interfere in the impugned order passed by respondent No.3 and consequently the present petition stands dismissed.

**(JITENDRA CHAUHAN)**  
**JUDGE**

**22.01.2019**

*ps-I*

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