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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 24th September, 2019

+ LPA 627/2019

JASWANT SINGH & ANR

..... Appellants

Through: Mr. R.K. Sonkiya & Mr. Akash Deep,
Advs.

Versus

SANTOSH DEVI & ANR

..... Respondents

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice (Oral)**

1. This Letters Patent Appeal has been preferred by the original petitioner in W.P.(C) 9875/2018, which was dismissed by the learned Single Judge *vide* judgment and order dated 18th July, 2019 (Annexure P-1 to the memo of this LPA). The learned Single Judge has not interfered with the order dated 8th August, 2018 passed by the District Magistrate whereby the Maintenance Tribunal for Senior Citizens had awarded ₹2,000/- per month maintenance for the aged parents of this appellant No.1.

2. Having heard the counsel for appellants (original petitioner) and looking into the facts and circumstances of the case, we see no reason to interfere with the impugned order mainly for the reasons that:

(a) The respondents (original applicants) had preferred an application

for seeking maintenance from this appellant No.1 before the District Magistrate. The said application was allowed and ₹2,000/- per month maintenance was allowed *vide* order dated 8th June, 2018.

- (b) Being aggrieved and feeling dissatisfied by the order dated 8th June, 2018 passed by the District Magistrate, these appellants preferred an appeal before the District Magistrate, Appellate Tribunal.
- (c) The appeal preferred by these appellants was decided by the District Magistrate, Appellate Tribunal *vide* order dated 8th August, 2018 mainly because of the reason that the appellant had given consent for providing maintenance of ₹2,000/- per month to the ageing parents of the appellant. Moreover, these appellant had also signed this order before the District Magistrate, Appellate Tribunal. This appellant had challenged the order dated 8th August, 2018 passed by the District Magistrate in the Writ Petition being W.P.(C) 9875/2018. The learned Single Judge, while deciding the W.P.(C) 9875/2018, has appreciated the fact that this appellant had shown his willingness to pay ₹2,000/- per month as directed by the Maintenance Tribunal and in view of the statement, the District Magistrate had concluded the proceedings and observed that no further cause of action was left in the matter.
- (d) The learned counsel for appellant submitted that this appellant was compelled to sign the order and was also compelled to give consent for the payment of ₹2,000/- per month for his parents.

We do not agree with this contention. In such an

eventuality, this appellant should file a review application before the concerned authority. The facts which are recorded in the order passed by the District Magistrate as well as by the learned Single Judge are consistent findings of facts. Even, apart from that, amount of ₹2,000/- per month for both father and mother of this appellant, by no stretch of imagination, can be said to be unreasonably excessive. On the contrary, the said amount for both father and mother of this appellant is too meagre an amount to be interfered with by the courts.

- (e) Counsel for appellant submitted that this appellant receives a salary of ₹16,000/- per month. In this view of the matter also the amount awarded by the District Magistrate and confirmed by the District Magistrate, Appellate Tribunal and by the learned Single Judge which is at ₹2,000/- per month for both father and mother of this appellant is absolutely a reasonable amount. Hence also, we see no reason to interfere with the order passed by the learned Single Judge.
- (f) The counsel for appellants submitted that other brother of appellant or another son of the respondents fetches a very high salary but there is no prayer for getting maintenance from the other son.

This contention is not accepted by this Court mainly for the reason that there cannot be any division of duties to maintain parents by the sons. Parents are bound to be maintained by all children and hence, this appellant cannot agitate that only another son is liable to make the payment of maintenance.

- (g) Learned counsel appearing for the appellant submitted that this appellant requires cross-examination of the witnesses and the evidence to be read.

We are not accepting this contention at this stage mainly for the reason that looking into the order passed by the District Magistrate, Appellate Tribunal dated 8th August, 2018 it appears that the appellant had willingly accepted the amount of ₹2,000/- per month as maintenance for his parents and, therefore, the District Magistrate has not entered into any other question. If this appellant had not shown his readiness or willingness, the District Magistrate should have entered into the evidence and cross-examination as demanded by this appellant. However, that was not the case. Same is the position before the District Magistrate, Appellate Tribunal also. Hence, we see no reason to interfere with the order passed by the District Magistrate, Appellate Tribunal and District Magistrate, which was confirmed by the learned Single Judge in the Writ Petition.

3. No error has been committed by the learned Single Judge while deciding W.P.(C) 9875/2018 *vide* judgment and order dated 18th July, 2019. We are in full agreement with the reasons given by the learned Single Judge. Hence, there is no merit in this appeal and the same is dismissed.
4. With the aforesaid observations, this Letters Patent Appeal is dismissed.

CM APPL.42789/2019

5. In view of the final order passed in LPA 627/2019, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 24, 2019

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