

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

CWP No. 20898 of 2020
Date of decision 07.12.2020

Rajinder Singh

...Petitioner

Vs.

State of U.T. (Chandigarh) and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Karan Jund Mullanpur, Advocate,
for the petitioner.

Ritu Bahri, J. (Oral)

Petitioner is seeking issuance of direction to respondent No. 2 to decide his applications/representations dated 21.05.2018 (P-1) and dated 10.10.2020 (P-2).

Petitioner is handicapped from one hand and is also permanent disabled person having 82% lever damaged. The unique disability card issued by PGIMER along with copy of certificate issued by the Medical Examination Branch of Government Hospital, Sector 16 Chandigarh are attached as Annexure P-3 and P-4 respectively. Petitioner along with his wife are surviving on the handicap pension of Rs.2,000/- per month issued by Social Welfare Department, Chandigarh. The petitioner was having only one ancestral house of 1/2 marla in his name which he got after the partition of the property between his family members from his father. Petitioner is having only one daughter who was married 10-11 years back.

Keeping in view that respondent No. 3 was looking after the petitioner and

his wife, petitioner executed gift deed of the above said house in the name of respondent No. 3 (P-7). However, after execution of the gift deed, respondent No. 3 started demanding money from the petitioner and threatened to throw the petitioner and his wife out of the house. Petitioner then moved an application to respondent No. 2 under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 for cancellation of the gift deed and restoration of the house in the name of the petitioner (P-1) in which notice (P-8) had been issued and report was sought from the concerned SHO, vide order dated 21.06.2018 (P-9). Thereafter, petitioner submitted the application dated 10.10.2020 (P-2) to the office of respondent No. 2 for staying the sale of the above house

Issue notice of motion.

On asking of the Court, Mr.A.P. Singla, Advocate accepts notice on behalf of U.T. Chandigarh.

Without expressing any opinion on the merits of the case, the present petition stands disposed of by giving direction to respondent No. 2 to pass final order on applications/representations dated 21.05.2018 (P-1) and dated 10.10.2020 (P-2) expeditiously, as per Maintenance and Welfare of Parents and Senior Citizen Act, 2007 .

07.12.2020

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No