

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

CR-329-2021(O&M)
Date of Decision: 18.02.2021

Tarsem Singh and another	Versus	...Petitioners
Paramjit Kaur and another		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vikas Mehsempuri, Advocate,
for the petitioners.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is, inter alia, for setting aside an order dated 04.01.2021 (Annexure P-8) passed by Civil Judge (Jr. Division) Patiala, whereby the application under Order 7 Rule 11 CPC filed by the petitioners has been dismissed.

2. Learned counsel for the petitioners submits that respondents/ plaintiffs (daughters) somehow succeeded in getting the transfer deed in their favour from their late father.

3. Later on, Hardaman Singh (deceased father) filed an application on 05.09.2019 under Section 22 of the Maintenance and Welfare of the Parents and Senior Citizen Act, 2007 before the Sub Divisional Magistrate, Patiala. Respondents appeared in the Court of Maintenance Tribunal-cum-SDM Patiala and contested the case.

4. Late Hardaman Singh was very annoyed with the attitude of his daughters/respondents. He had stated that the sale deeds were null and void and demanded for setting aside the same. Learned counsel for

petitioners relies on copy of statement of Hardaman Singh (Annexure P-1), in support of his aforesaid contentions.

6. However, during pendency of the proceedings before the Maintenance Tribunal–cum-SDM Patiala, Hardaman Singh died on 08.01.2020.

7. The petitioners thereafter represented as legal heirs of deceased Hardaman Singh.

8. Subsequently, the respondents (sisters) compromised the matter with their brothers/petitioners vide a written compromise deed dated 30.01.2020 (Annexure P-2).

9. It turned out later that, after the death of Hardaman Singh, respondents filed a suit for declaration to the effect that the alleged compromise dated 30.01.2020 executed between the parties is null and void along with relief of permanent injunction.

10. It was in this background that petitioners filed an application for rejection of plaint and pleaded that suit in question is not maintainable as the Civil Court has got no jurisdiction to try the suit as per provisions of Section 27 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and the compromise was validly executed.

11. Learned trial Court dismissed the application vide order dated 04.01.2021. Hence, the revision petition.

12. I have heard learned counsel for the petitioners and gone through the case file.

13. I am unable to dissuade myself from reasoning given by the trial Court that compromise dated 30.01.2020 is a matter of evidence. No grounds are made out to interfere.

14. Dismissed.
15. Since the main case is dismissed, pending application, if any,
shall also stand disposed of.

February 18, 2021

vandana

Whether speaking/reasoned

Whether reportable

(ARUN MONGA)

JUDGE

Yes/No

Yes/No