

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-431-2022
Date of Decision: 09.02.2022

GURCHARAN KAUR

...Petitioner

Versus

NAVDEEP KAUR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Kulwant Kaur Kahlon, Advocate
for the petitioner.

Ms. Kirti Singh, D.A.G., Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India for issuance of direction to respondent No.3 to decide the execution applications (Annexures P-3, P-5 and P-6) and also to release the maintenance amount with interest.

2. Learned counsel for the petitioner submits that the petitioner is a widow and senior citizen of 73 years of age and is also suffering from various ailments. Learned counsel further submits that the petitioner has divided her property amongst her two sons, one daughter and herself. About 12 acres of land thus came in her share.

3. She further submits that respondents No.1 and 2 have given their own land as well as the land of the petitioner on lease. They kept on paying the lease amount to the petitioner till 2016. However, after that they

suddenly stopped to pay. The petitioner thereafter was compelled filed a petition in the year 2017 under Section 4 read with Sections 5, 23 and other enabling provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for maintenance.

4. Learned Tribunal, inter alia, held that both the parties/private respondents shall pay Rs.1,50,000/- each as lease money for the year 2017 qua applicant's (petitioner herein) share of land. Notwithstanding, nothing has been till date paid to the petitioner. Aggrieved, the petitioner filed Execution Applications, which are still pending. Hence, the instant revision petition before this Court.

5. Heard.

6. Given the nature of order being passed, issuance of notice to the respondents is dispensed with.

7. The petitioner is merely aggrieved qua the delay in disposal of her pending Execution Applications (Annexures P-3, P-5 and P-6). Ordinarily, this Court would not have interfered, given that certain delays are happening currently due to the pandemic, due to which, the government officers/Tribunal/Courts are working under restrictions. However, medical condition of the petitioner warrants immediate financial help, as more particularly pleaded in the petition herein and also noticed in order dated 09.10.2017 passed by the Sub-Divisional Magistrate Presiding Officer, Maintenance and Tribunal, Tohana, vide which, the maintenance was directed to be paid by the respondents. And yet, instead of implementing the said order, petitioner has been made to file the Execution Applications, which were filed way back in the years 2017, 2018 and 2019, much prior to the pandemic. I am constrained to direct respondent No.3 to take up the

pending applications and dispose of the same in accordance with law within a period of two months after issuing notice to all the parties concerned.

8. Disposed of accordingly.

February 09, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No