

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

CWP-6399-2022

Date of decision: March 29, 2022

Amaann Singh

....Petitioner

versus

Presiding Officer, Maintenance Tribunal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. D.S. Gurna, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the order dated 24.02.2022 (Annexure P-5) passed by respondent No.1.

2. Learned counsel for the petitioner submits that respondent No.2- Kanwaljeet Kaur submitted an application before the Deputy Commissioner, Mohali stating that she is resident of House No.34, Sector 69, Mohali, but her daughter-in-law, namely Narinder Kaur (respondent No.4) widow of the petitioner's deceased son Inderpal Singh is not allowing her to reside there. Accordingly, based on such application, proceedings were initiated by respondent No.1 and petitioner was arrayed as respondent No.3 whereas his mother, Narinder Kaur (respondent No.4) and Aunt (Bua) Preet Kaur (respondent No.3) were arrayed as respondents No.1 and 2, respectively. They were summoned. However respondent No.3 did not appear and was proceeded *ex parte*. He further submits that respondent No.1 vide its order dated 24.02.2022(Annexure P-5) directed the petitioner to provide residence

to respondent No.2 at House No.34, Sector 69, Mohali and also to make the provisions of food, clothing and medical facilities. Hence, the present petition.

3. I have heard learned counsel for the petitioner and perused the record.

4. The impugned order dated 24.02.2022 (Annexure P-5) is premised on the following reasons:-

“After hearing the parties and perusing the record from the file, it has been found that applicant’s grandson late Sh. Gulzar Singh s/o Sh. Asa Singh has executed a WILL against his grandson Aman Singh and Angardveer Singh vide Vasika No.149 dated 27.12.2011 after the death of testator the house No.34, Sector 69, Mohali has been transferred in the name of the legatees vide Memo No.GMADA/M/A/2014/2607 dated 30.01.2014. Even after that applicant was living peacefully alongwith her family in this house but her son died and little bickering started. The matter has gone to this extent that applicant was thrown out left to be lived in the mercy of other here and there. As per the provisions Section 2(b) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, that maintenance includes provision for food, clothing, residence of medical attendance and treatment. Apart from this as per the provision of Section 4(2) that it is the obligation of the children or relatives as the case may be to maintain a senior citizen extend to the need of such senior citizen so that senior citizen may lead to a normal life. Even if, the elder do not have any property their off spring has a responsibility to look after them. But in this case respondent No.3 has received the property from the husband of the applicant. In view of the above by exercising the power conferred by this Act, respondent No.3 is directed to provide residence in house No.34, Sector 69, Mohali with him besides food, clothing and medical assistance. The copy of this is being sent to Deputy Superintendent of Police, Urban-II, SAS Nagar for the compliance of this order. Order is pronounced, case file alongwith the records confined in the record room.”

5. I see no ground to interfere in the impugned order passed by the Maintenance Tribunal. That apart petitioner has bypassed the remedy of statutory appeal and directly filed this writ petition. However, in order to

ameliorate the hostile outlook of the petitioner *qua* the impugned order perceived to be adversarial, it would be appropriate to refer the matter to Mediation Centre of this Court to hold the counselling session with the family members staying in the property in question. Learned mediator is expected to call the parties in person and make an attempt to iron out their *inter se* differences so that they can live peacefully and in cordial atmosphere and not perceive the impugned order as adverse *qua* their rights.

6. Writ petition is though dismissed, however, it be placed before this Court as and when the mediation report is received.

(ARUN MONGA)
JUDGE

March 29, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No