

SANJEEV KUMAR

...Petitioner

V/S

THE TRIBUNAL-CUM-SDM AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Wazir Singh, Advocate,
for the petitioner.

Mr. Sharan Sethi, Additional A.G., Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein under Article 226/227 of Constitution of India is for issuance of a writ in the nature of certiorari to quash the impugned order dated 13.01.2021 Annexure P-3, vide which the appeal filed by the petitioner was dismissed.

2. Learned counsel for the petitioner submits that private respondents are parents of the petitioner and had filed an application under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short hereafter 'the Act'). They were seeking two fold relief. First is to pay a sum of Rs.1000/- per month and second is to make arrangements of tubewell water for irrigation of their four kanals land. He further submits that petitioner was not afforded an opportunity of hearing for filing reply. He submits that his parents are having sufficient income fund for their survival as they are receiving monthly old age pension and annual lease amount of Rs.25,000/- per annum from four kanal land. He also submits that his parents have not given a single property to the petitioner, the land which is in the name of the present petitioner was transferred by his grandfather from his self-acquired property. He submits that appeal filed by the petitioner was wrongly dismissed without recoding positive finding on the points of the petitioner raised in appeal.

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

4. Jai Narain, private respondent asserted in his application before the Tribunal that he had transferred his land measuring 18 kanal 6 marlas in the name of both his sons- Sanjeev Kumar petitioner herein and Sandeep Kumar. However, petitioner Sanjeev Kumar fraudulently got the entire land transferred in his own name, assuring that he would look after and provide for the daily needs of both parents. Complaining of petitioner's maltreatment and neglect, the parents prayed that he be directed to pay Rs. 1000/- per month to help them and provide tube well water for irrigation. Petitioner did not cause appearance. He was proceeded against ex parte. Vide its impugned order dated 11.11.2019, the Tribunal instructed the petitioner to provide his parents financial help of Rs. 1000/- per month for treatment of their illness. The matter for arrangement of water from the tubewell for irrigation of the land of petitioner's parents was sent by the Tribunal to the local police for resolution. The order was upheld in appeal by the learned Appellate Tribunal.

5. Under section 4 of the Act, a senior citizen including parent, who is unable to maintain himself from his own earning or out of the property owned by him, is entitled to make an application and the obligation of the children to maintain his parents extends to their needs, so that the parents may lead a normal life. In my opinion, the meager amount of old age monthly pension from the Government and the lease amount of 4 kanals of land (stated to be Rs. 25000/- per annum) are not sufficient for the two private respondents to lead a normal life.

6. Petitioner has not filed any document to support his contention that the land in his name was transferred was transferred to him by his grandfather.

The said bald contention cannot, therefore, be accepted. Irrespective of that, the petitioner is under statutory and moral obligation to support his aged parents.

7. Even otherwise a perusal of orders passed by the Maintenance Tribunal and the Appellate Tribunal would reveal that there is no irregularity therein, either in facts or in law, so as to exercise extraordinary writ jurisdiction vested in this court. The petitioner himself claims that his monthly income is Rs. 10,000/-. He has been asked to provide his parents only a sum of Rs. 1000/- per month as financial help for treatment of their illness.

8. There is no room for interference in the valid reasons recorded by the Tribunals below, with which I am in agreement.

9. Dismissed.

21.03.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No