

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

**CWP-21633-2019 (O&M)**

**Date of decision: July 07, 2022**

Tirath Singh

....Petitioner

versus

District Magistrate Hoshiarpur and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** None for the petitioner.

Mr. Vikas Mohan Gupta, Additional AG Punjab.

Mr. Kuldeep Singh, Advocate for respondent No.3.

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**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing Order dated 11.06.2019 (Annexure P-8) passed by respondent No.1 whereby order dated 04.07.2018 (Annexure P-6) passed by Sub Divisional Magistrate-cum-Presiding Officer, Maintenance Tribunal, Hoshiarpur has been set aside and petitioner has been ordered to be evicted from the house in question.

2. While issuing notice of motion, following order was passed on 19.08.2019 by a Coordinate Bench of this Court:-

*“Challenge in the instant writ petition is to the order dated 11.06.2019 (Annexure P-8) passed by the District Magistrate-cum-Appellate Tribunal, Hoshiarpur and in terms of which an appeal preferred by respondent No.3 herein has been accepted and the transfer deed in respect of a 9 marla, 3 sarsai plot and upon which certain construction has been effected has been cancelled.*

*Petitioner herein is the son of respondent No.3.*

*Counsel would submit that the application moved by the father under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking cancellation of the transfer deed had been dismissed vide order dated 04.07.2018 (Annexure P-6) passed by the Sub Divisional Magistrate, Hoshiarpur by passing a valid and well reasoned order. The appeal however has been accepted vide impugned order by overlooking the aspect that the father had a number of other properties to sustain himself. That apart, it is submitted that the petitioner in the capacity of a son is ready and willing to contribute towards the welfare and maintenance of his father.*

*Notice of motion, returnable for 04.11.2019.*

*Status quo with regard to the property in question as it exists today shall be maintained till the next date of hearing.*

*Undertaking of counsel is recorded to the effect that an amount of Rs.25,000/- would be made over to respondent No.3 towards litigation costs and a sum of Rs.10,000/- every month would be paid by the petitioner during the pendency of the instant writ petition.”*

3. Learned counsel appearing on behalf of respondent No.3 states that above said order has not been complied with till date.
4. No further indulgence is warranted as order dated 19.08.2019 passed by this Court has not been complied with till date.
5. Dismissed.

**(ARUN MONGA)**  
**JUDGE**

**July 07, 2022**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No