

CM-1135-LPA-2022 in/and
LPA-478-2022 (O&M)
DECIDED ON: 4th JULY, 2022

JASVIR SINGH

.....PETITIONER

VERSUS

THE DISTRICT MAGISTRATE CUM APPELLATE
MAINTENANCE TRIBUNAL AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGILPresent: Ms. Shrey Goel, Advocate and
Mr. Sushant Kareer, Advocate
for the petitioner.**AUGUSTINE GEORGE MASIH, J. (ORAL)****CM-1134-LPA-2022**

Prayer in this application is for condonation of delay of 4 days
in re-filing the appeal.

Application is allowed, as prayed for and delay of 4 days in re-
filing the present appeal is condoned.

CM-1135-LPA-2022

Prayer in this application is for condonation of delay of 337
days in filing the appeal.

Having gone through the contents of the application, we are not
inclined to accept the same as there is no explanation whatsoever except for
reference to the period of COVID-19 pandemic. The applicant/appellant
has, therefore, not been able to give a reasonable explanation which could be

said to be justifiable for not approaching the Court in this Intra-Court Appeal within a stipulated period.

On merits also the matter has been considered but on perusal of the same, we do not find any illegality in the order passed by learned Single Judge.

Counsel for the applicant/appellant has emphasized upon the fact that the applicant/appellant is a daily wager and is earning livelihood by rendering service under MNREGA projects. It is also being asserted that the applicant/appellant is not in a position to pay Rs.3000/- per month which has been assessed by the authorities and order to that effect has been passed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Learned Single Judge has dealt with this aspect in detail and has found that the orders which have been passed by the authorities are in consonance with the statutory provisions and factual aspects including the evidence brought on record. Admitted position is that Sub Divisional Magistrate, Khamano prior to passing of the order dated 7th November, 2017 had called for the report of the Naib Tehsildar. On the basis of the said report furnished by the Naib Tehsildar (Annexure P-8), it is apparent that father of the applicant/appellant Sant Singh was the owner of the land initially, which has been given to both of his sons one of which is the applicant/appellant and the other is Kulwinder Singh. 5 kanals and 11 marlas of land have been given to the applicant/appellant and 6 kanals and 6 marlas of the land have been given to Kulwinder Singh. The father is left with merely 8 ½ marlas of land from which he cannot survive being 70 years

old. The another brother of the applicant/appellant namely Kulwinder Singh is taking care of his father to the extent of providing him shelter and therefore the rest of the other expenses have to be borne out and has to be the responsibility of the applicant/appellant, which has rightly been assessed to a meagre amount of Rs.3000/- per month which could be minimum for survival.

In these circumstances we do not find any ground to interfere with the order passed by learned Single Judge or upholding the orders passed by the authorities. The appeal, therefore, stands dismissed on the ground of delay as well as on merits.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

4th JULY, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>