

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

(228)

**LPA-695-2019 (O&M)
Decided on : 21.02.2023**

Devinder Singh

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Ankur Mittal, Advocate, for the appellant.

Ms.Deepali Puri, Addl.A.G., Punjab.

Mr.S.S.Rangi, Advocate
and Mr.K.K.Goyal, Advocate, for respondent Nos.4 & 5.

G.S. Sandhawalia, J. (Oral)

CM-1664-LPA-2019

Application has been filed for condonation of delay of 165 days in filing the appeal. Accordingly, in view of the averments made in the application, duly supported by affidavit of the appellant, same is allowed and delay of 165 days in filing the appeal is hereby condoned.

CM stands disposed of.

LPA-695-2019 (O&M)

1. The present appeal is directed against the order dated 13.09.2018 passed by the learned Single Judge in CWP-25505-2017 which was dismissed on account of the fact that the appellant was living abroad and he had sold 6 acres of land out of the total 11 acres held by him and even the consideration money had been retained by him. Resultantly, it was held that he has been paid maintenance amount of Rs.7000/- per month by respondent Nos.4 & 5 who are the son and daughter-in-law.

2. Resultantly, challenge had been made to the order dated 19.10.2016 (Annexure P-3) whereby the prayer of the appellant for cancellation of mutation and eviction of respondent Nos.4 & 5 which had been declined was upheld which in turn had further been maintained by the order dated 28.03.2017 (Annexure P-4).

3. Apparently, the present appellant had transferred 32 kanals of land in favour of his son Kuldeep Singh on account of the fact that he had 2 daughters, namely, Rupinder Kaur and Satwinder Kaur and who were residing in their in-laws house and possession had been given to the son as per the sale deed registered on 26.11.2014. After 2 years, an application was filed by the appellant submitting that he was not being looked after and the mutation be cancelled and he be given expenses of Rs.50,000/-. The Presiding Officer of the Tribunal (Maintenance) noticed that the private respondents had taken the stand that they were fully serving him and looking after him and he had also executed a registered Will in favour of Kuldeep Singh. Resultantly, the order of Rs.7000/- per month as maintenance was directed.

4. In appeal, it had been noticed that the father had sold 6 kilas of land from the ancestral property and transferred 4 kilas of land in his name and 1 kila was still in his name and on the instigation of his daughter and son-in-law, they want to take the remaining land. His social behavior/ bad habits along with the addiction to drinks were also noticed and the fact that the other family members had made efforts to reconcile the matter but it could not go through.

5. Keeping in view the above facts and circumstances, we feel that the appellant apparently is a retired Army Officer and on account of his old age and other attitudinal problems the dispute has arisen within the family members. He is admittedly getting pension on which he is also sustaining himself. In the peculiar facts and circumstances, keeping in view the fact that valuable property was also transferred in the name of the son measuring 4 acres and the order was passed granting Rs.7000/- as maintenance was way-back on 19.10.2016 (Annexure P-3). Accordingly, a sum of Rs.10,000/- per month is fixed as monthly maintenance from the date of order of the learned Single Judge, i.e. 13.09.2018. The private respondents shall also clear all the arrears in 3 easy instalments within 2 months. Needful be done within a period of 6 weeks from the date of receipt of certified copy of this order.

The present appeal stands partly allowed, in the above-stated terms.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

21.02.2023
sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :	No	