

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(105)

CWP-17954-2023

Date of decision: - 21.08.2023

Sant Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Balwant Singh, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, direction, order in the nature of mandamus directing the respondent No.2 to pay the arrears of maintenance allowances and other expenses with interest of 18% per annum.

2. Learned counsel for the petitioner has submitted that the petitioner is a 71 year old senior citizen and had filed an application under Sections 4, 5 and 9 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 for grant of maintenance of Rs.10,000/- per month and for setting aside the transfer deed dated 20.02.2003 (Annexure P-1) executed by the petitioner in favour of respondent No.2 (son of the petitioner). It is further submitted that vide order dated 11.09.2017, respondent No.2 was directed to pay amount of Rs.3,000/- every month to

the petitioner and thereafter, several proceedings have taken place and ultimately, vide order dated 17.01.2020 (Annexure P-7), the Appellate Authority Maintenance-cum-Additional District Magistrate, Fatehgarh Sahib had directed that respondent No.2 would pay maintenance of Rs.3000/- per month to the petitioner along with arrears from 11.09.2017 till date and shall also pay outstanding amount at the rate of Rs.3,000/- per month with interest @ 18% per annum. It is contended that writ petition filed by respondent No.2 was withdrawn on 01.03.2021 and thereafter, even the executing Court, vide order dated 20.01.2022 (Annexure P-9) had directed the Tehsildar, Khamano, to coordinate with respondent No.2 so that the orders of maintenance of Rs.3,000/- per month and the balance arrears could be paid to the applicant-petitioner. It is further contended that inspite of the same, respondent No.2 has not paid the maintenance amount or the arrears. It is submitted that the petitioner be permitted to withdraw the present writ petition with liberty to file an execution before the SDM-cum-Maintenance Tribunal, for passing an effective order so that the said amount can be recovered. It is stated that it is settled law that the executing Court can dispose of the execution only after the same is satisfied and the executing Court/SDM in the present case should adopt all methods including the method of attachment of property of respondent No.2 etc. to comply with the orders passed by the authorities under the Act.

3. In view of the above, the present writ petition is dismissed as withdrawn, with liberty to the petitioner to file an executing application before the Competent Authority.

4. In case, any such execution is filed, the Competent Authority is directed to consider and decide the same as expeditiously as possible, preferably, within a period of six months from the date the same is filed.

August 21, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No