

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CWP-5708-2024

Date of decision : 12.03.2024

Dr.Harminder Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***Present: Mr.P.K.S.Phoolka, Advocate  
for the petitioners.Mr. Davinder Kumar, Advocate  
for respondent no.4.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of order dated 04.01.2024 (Annexure P-2) passed in file no.33/ Maintenance Act by the District Magistrate-cum-Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Learned counsel for the petitioners as well as respondent no.4 have jointly submitted that in the present case, the SDM vide order dated 13.07.2023 (Annexure P-1) had dismissed the application filed by respondent no.4 in which prayer was made for cancelling the transfer deeds no.901, 902 dated 15.09.2022 and transfer deed no.561 dated 18.07.2017. It is further submitted that in the appeal filed by respondent no.4, the District Magistrate, Bathinda-cum-Appellate Authority observed that there was no need to cancel the transfer deeds but directed the present petitioners to pay Rs.10,000/- each per month to respondent no.4 and further directed that petitioner no.2 would not sell or transfer the property which he had got vide

transfer deed no.561 dated 18.07.2017. It is jointly submitted that the case has been compromised and respondent no.4 has given an affidavit dated 23.02.2024 (Annexure P-3) in which he has stated that the petitioners are taking care of him and he has no complaint against them and the petitioners can use the property as they like and he has no objection in case the petitioners alienate the property in any manner and has further stated that he has no objection in case they do not give Rs.10,000/- each to respondent no.4.

3. Learned counsel for respondent no.4 has submitted that the affidavit submitted by respondent no.4, which is annexed as Annexure P-3 along with the present writ petition, has been signed before the Executive Magistrate, Bathinda and has been given by respondent no.4 without any pressure and out of his free will.

4. It is jointly submitted by learned counsel for the petitioners as well as respondent no.4 that the present writ petition be allowed and the impugned order dated 04.01.2024 (Annexure P-2) be set aside in view of the compromise effected between the parties.

5. Keeping in view the abovesaid facts and circumstances and the joint prayer made by learned counsel for the petitioners as well as respondent no.4 and also in view of the affidavit dated 23.02.2024 (Annexure P-3) filed by respondent no.4, the authenticity of which has been reaffirmed by respondent no.4, the present writ petition is allowed and the order dated 04.01.2024 (Annexure P-2) is set aside.

(VIKAS BAHL)  
JUDGE

March 12, 2024  
Davinder Kumar