



CWP No.13362-2021

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

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**CWP No.13362-2021 (O&M)****Date of Decision: 11.12.2024**

Surajmal

.....Petitioner

Versus

Presiding Officer Maintenance Tribunal and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU****Present:** Mr. Sandeep Lather, Advocate for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

Mr. S.S.Nain, Advocate and

Ms. Tanya Vashist, Advocate for respondents No.3 and 4.

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**MAHABIR SINGH SINDHU, J.**

Present writ petition has been filed under Article 226 of the Constitution for quashing the impugned orders dated 20.12.2019 (P-7) and 08.01.2021 (P-10), passed by respondent No.1-learned Sub Divisional Magistrate-cum-Presiding Officer, Maintenance Tribunal, Pehowa and respondent No.2-District Magistrate-cum-Appellate Authority, Kurukshetra respectively, vide which application preferred by respondent No.3-Bedo Devi (mother of petitioner) under Section 22 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act'), was accepted and an appeal preferred by the petitioner was dismissed.

2. Contends that application of respondent No.3-Bedo Devi is not maintainable under the Act in view of the fact that the property in question has been inherited by petitioner from his father being legal heir, therefore, he cannot be said to be in illegal possession of the same. Also contends that

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respondent No.3 was less than 60 years of age at the time of filing of above application under the Act, hence she is not a Senior Citizen. Further contends that petitioner was residing in United Kingdom for the last 10 years; now he has come back to India and residing separately in village Dhand, District Kaithal; thus, he is not liable to pay any maintenance to respondent No.3. Still further contends that respondent No.3 is getting family pension of Rs.2200/- per month and moreover, she is having 8 kanal and 5 marlas of land in her own name, therefore, she is not entitled to any maintenance. Lastly contends that petitioner is being harassed due to this proxy litigation at the instance of respondent No.4-brother of petitioner; hence, both the impugned orders deserve to be quashed.

3. *Per contra*, learned counsel for respondents No.3 and 4 opposed the prayer while submitting that petitioner is having good financial condition; thus, the meager amount of Rs.3000/- granted as maintenance by the learned Maintenance Tribunal is nothing; rather only some solace to the old mother; hence present petition deserves to be dismissed with costs.

4. Heard learned counsel for the parties and perused the paper-book.

5. It is not in dispute that petitioner remained in United Kingdom for a period of 10 years; now he has come back to India and residing separately. Also discernible that learned Tribunal has ordered that 2 acres of land shall be retained by the petitioner apart from 4 acres (2 acres each) to be retained by respondents No.3 and 4, respectively. Since petitioner is the biological son of respondent No.3; thus, he owes the responsibility to maintain his mother.

6. The objection of learned counsel for petitioner regarding maintainability of application because of respondent No.3 being less than 60



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years of age, deserves to be outrightly rejected in view of the fact that respondent No.3 being mother of the petitioner, is entitled to file application for maintenance under Section 5 of the Act.

7.                      In view of the above, this Court does not find any ground to interfere with the order passed by the learned Maintenance Tribunal as well as Appellate Authority, more particularly in view of the fact that present petition is neither an appeal nor a revision; rather it is a judicial review under Article 226 of the Constitution.

8.                      Consequently, there is no option, except to dismiss the petition with costs of Rs.5000/- to be deposited with District Legal Services Authority, Kaithal.

9.                      Ordered accordingly.

Pending application(s), if any, shall also stand disposed off.

**11.12.2024**

Rajeev (rvs)

**(MAHABIR SINGH SINDHU)**

**JUDGE**

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |