

201
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8944-2017
Date of decision: 05.01.2024

Jaspal Singh

...Petitioner

Versus

District Magistrate, Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shubham Chandel, Advocate for
Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

Mr. H.S. Jalal, Legal Aid Counsel
Advocate for respondent No.3.

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 the order dated 14.12.2016 (Annexure P-3) passed by respondent No.1 vide which respondent No.1 has set aside the order dated 25.08.2015 (Annexure P-2) passed by respondent No.2.
2. Brief facts of the present case are that respondent No.3 had filed an application (Annexure P-1) under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking the maintenance against the petitioner and respondent No.4 of an amount of Rs.10,000/- per

month. The Maintenance Tribunal, vide order dated 25.08.2015 had directed the present petitioner as well as respondent No.4 to pay an amount of Rs.700/- per month each as maintenance to the Senior Citizen-Ranjit Singh (respondent No.3). Aggrieved against the said order, respondent No.3 had filed an appeal only against the present petitioner and vide ex parte order dated 14.12.2016, the present petitioner was directed to pay an amount of Rs.3000/- per month and thus, amount was enhanced from Rs.700/- to Rs.3000/- per month.

3. On 01.05.2017, a Coordinate Bench of this Court was pleased to pass the following order:-

“It has inter-alia been argued that the petitioner and his brother Jasbir Singh had been foisted with liability to the extent of Rs.700/- each by the Tribunal but the Appellate Tribunal has enhanced the said amount from Rs.700/- p.m. to Rs.3000/- p.m. qua the petitioner alone as it is the desire of respondent No.3 to recover maintenance only from the petitioner.

In view of the above said circumstances, it is apparently discriminatory that one of the brothers has been required to pay maintenance of Rs.700/- p.m. whereas the petitioner has been directed to pay Rs.3000/- p.m.

Let the petitioner deposit the entire arrears of maintenance calculated at the rate of Rs.1000/- p.m. w.e.f. November 2016, as respondent No.3 had filed appeal before the District Magistrate, Patiala at the end of October 2016, within a period of one week with the District Magistrate, Patiala.

Notice of motion for July 27, 2017.

The petitioner would be required to pay the litigation

expenses of Rs.10000/- as well to respondent No.3 on next date of hearing.

May 1, 2017

Sd/- (M.M.S. BEDI)

JUDGE”

4. On 29.11.2023, this Court had passed the following order:-

“Learned counsel for the petitioner has submitted that there is balance of an amount of Rs.19,000/- towards respondent No.3 by calculating the maintenance at the rate of Rs.1000/- per month and is ready to deposit the same on or before 05.01.2024.

Learned counsel for respondent No.3 has submitted that amount outstanding would be Rs.21,000/- for month of December and January as well.

In view of the same, while adjourning the matter to 05.01.2024, it is made clear that in case the petitioner does not get the demand draft amounting to Rs.21,000/- prepared in the name of respondent No.3 on the next date of hearing then the present writ petition would be liable to be dismissed.”

5. Learned counsel for the petitioner has submitted that in pursuance of the said order dated 29.11.2023, an amount of Rs.21,000/- has been paid to respondent No.3. It has been stated by learned counsel for the petitioner that an amount of Rs.1000/- per month would be paid by the petitioner regularly every month to respondent No.3 and the petitioner would also give due respect to respondent No.3.

6. Learned counsel for respondent No.3 has submitted that in view of statement made by learned counsel for the petitioner, the present writ petition be disposed of with direction to the petitioner to pay an amount of Rs.1000/- per month without fail.

7. Keeping in view the abovesaid facts and circumstances and also on the joint statement made by learned counsel for the petitioner and respondent No.3 (petitioner and respondent No.3 being contesting parties in the present case), the impugned order dated 14.12.2016 is modified and the present Civil Writ Petition is disposed of with the direction that the petitioner would keep paying an amount of Rs.1000/- per month by 7th of every month as maintenance charges to respondent No.3 till the time respondent No.3 is alive.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

05.01.2024
Pawan

(VIKAS BAHL)
JUDGE

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