



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CWP-2746-2022

Date of Decision :08.01.2025

Paramjit Singh

...Petitioner

Versus

Ravinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nitin Thatai, Advocate for the petitioner.

Mr. Kanwar Pal Singh, Advocate for respondent No.1.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioner is that his claim raised under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has wrongly been dismissed by the Tribunal vide order dated 27.01.2020 (Annexure P/3), which order has wrongly been upheld by the Appellate authority vide order dated 09.11.2021 (Annexure P/6).

2. Learned counsel for the petitioner submits that the petitioner has no place to live hence, he is entitled for cancellation of transfer deed dated 25.09.2017 by which, the property was transferred by the petitioner in favour of his son namely, Ravinder Singh. The said prayer has been declined by the tribunal by recording the reasons that the petitioner himself has stated before the Tribunal that he wants the transfer deed executed in favour of his son namely, Ravinder Singh cancelled so as to give half of the



CWP-2746-2022

-2-

said property to other son. The said order of the Tribunal has been upheld by the Appellate authority, which orders are under challenge in the present petition.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. It may be noticed that the petitioner is not residing in India and is residing in United Kingdom and the present petition has been filed through power of attorney. Once, the petitioner is residing in United Kingdom and not in India, the question that he is not being maintained by Ravinder Singh, who is also residing abroad, is not made out. It is only in case, the petitioner would have been residing in India and had no means to survive, he could have raised the claim that his property has been transferred to his son Ravinder Singh and he has no other means to survive and he is not being looked after so as to live a dignified life hence, the said property should be brought back to him.

5. In the facts and circumstances of the present case, when the petitioner himself is not residing in India and is residing in United Kingdom, his plea that he is not being maintained by the family of the respondent, has rightly been rejected by the Tribunal as well as Appellate authority.

6. At this stage, learned counsel for the petitioner submits that the petitioner intends to come back to India.

7. Qua the above claim, same is only a thought as of now.

8. Learned counsel for respondent No.1 submits that in case, the petitioner intends to come back and settle in India, respondent No.1 has no hesitation in serving the petitioner and he will be taken care of as a father



CWP-2746-2022

-3-

requires from his son.

9. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

January 08, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

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