



CWP-3472-2024 :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-3472-2024 (O&M)
Date of decision : 08.01.2025

KIRPAL SINGH

..... Petitioner

VERSUS

DISTRICT MAGISTRATE-CUM-PRESIDING OFFICER AND
ANOTHER

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Petitioner in person with
Mr. Pankaj Bali, Advocate

Mr. Swapan Shorey, DAG, Punjab.

Mr. Gagandeep Singh (son of respondent No.2)
with Mr. Harjinder Singh, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. Mr. Saurav Arora, Advocate who was appointed by the legal aid to defend respondent No.2 submits that respondent No.2 has already engaged another lawyer and he be relieved from the present case.
2. Ordered accordingly.
3. Mr. Harjinder Singh, Advocate appears on behalf of respondent No.2 and files his Power of attorney, which is taken on record, subject to just exceptions.
4. In the present petition, the grievance being raised by the petitioner is that the respondent No.2 is not complying with the order which



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has been passed by the Tribunal dated 12.11.2022 (Annexure P-3) by which, the parties had agreed that the respondent No.2-Karamjeet Singh will pay a sum of Rs.2500/- by 10th of every month in a particular account number mentioned therein and had agreed to live peacefully without creating problems for one another.

5. Learned counsel for the petitioner submits that though, the compromise was agreed to but the same is not being implemented which is causing prejudice to the petitioner.

6. Learned counsel appearing on behalf of respondent No.2 submits that the respondent is complying with the order passed by the Tribunal dated 12.11.2022 and a sum of Rs.2500/- every month starting from November 2022 upto December 2024 has already been deposited in the account of the petitioner and the record of the same can be produced. Learned counsel for respondent No.2 further submits that at one given point of time, the account number mentioned in the order of the Tribunal was closed by the petitioner grand-father but the said amount has now been deposited in the pension account of the petitioner which fact can be verified.

7. Learned counsel for the petitioner has not been able to dispute the said fact.

8. Learned counsel for respondent No.2 on instructions from Gagandeep Singh, son of respondent No.2 submits that they are ready to keep the grand-father with them and the grand-mother is already living with them and in an earlier litigation initiated by the grand-mother under Maintenance and Welfare of Parents and Senior Citizens Act, 2007



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(hereinafter referred to as '2007 Act'), 1.5 kanals of the land available with respondent No.2 has already been transferred in the name of the grandmother so that she can maintain herself. Learned counsel for the respondent No.2 submits that they respect the elders and in case, this Court feels that the amount of Rs.2500/- needs to be enhanced, they have no problem and will comply the said direction in case passed.

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

10. From the facts stated hereinbefore, it is clear that the petitioner has two sons but the grievance is being raised only against respondent No.2 i.e. one of the son. Further, even during the arguments as, the petitioner is present in person as well as the son of respondent No.2 is also present in person where, they have conceded the fact that the properties had already been partitioned since the year 2002 between the two brothers i.e both sons of the petitioner. No grievance is being raised by the petitioner against the other son.

11. Keeping in view the said fact when there is no allegation with regard to non-maintenance of the petitioner qua respondent No.2, and further that both the parties have already compromised the issue, the order passed by the Tribunal which has been upheld by the Appellate Court, needs no interference by this Court. The gesture shown by respondent No.2 for enhancement of compensation is also appreciated.

12. Keeping in view the facts and circumstances of the present case where, the petitioner and his wife are senior citizens and the petitioner is



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getting Rs.25000/- as a pension, in the interest of justice and a good gesture shown by respondent No.2 that he will be agreeable upon any enhancement of the monthly allowance to be paid, the respondent No.2 will not only pay Rs.2500/- per month to the petitioner but another Rs.2500/- per month to the grand-mother also which will be deposited in their respective accounts from starting from January 2025.

13. As the learned counsel for respondent No.2 has stated that they are not averse that in case the petitioner and his wife live with them, the said issue can be sorted out by a mutual meeting between them and in case both the parties agree, the said process can also be made operational.

14. The present petition is disposed of in the above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

08.01.2025
Rimpal

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No