



CM-5983-CWP-2025 in/and
CWP No. 16261 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CM-5983-CWP-2025 in/and
CWP No. 16261 of 2024
Date of Decision : 29.04.2025

Dharam Devi

...Petitioner

Versus

The Deputy Commissioner-cum-Maintenance Appellate Tribunal,
Charkhi Dadri and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Preeti Singh, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

CM-5983-CWP-2025

Present application has been filed for placing on record the transfer deed dated 11.09.2015 as Annexure P-7.

Application is allowed and the transfer deed dated 11.09.2015 as Annexure P-7 is taken on record with all just exceptions.

At this stage, learned counsel for the petitioner submits that the petitioner is a senior citizen of 74 years of age and requests that the present case may be taken up for hearing today.

On her request, the main writ petition is taken up for hearing today.

CWP-16261-2024

1. The present petition has been filed challenging the orders dated 12.04.2021 (Annexure P-3) and 07.02.2024 (Annexure P-5) passed by the



authorities under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act'). Both the authorities have come to the conclusion that the claim regarding the cancellation of the Transfer deed raised by the petitioner-senior citizen is not made out keeping in view the provisions of 2007 Act.

2. Learned counsel for the petitioner argues that the petitioner-senior citizen is not being taken care of by the respondent No. 3-daughter which fact has not been appreciated by the authorities concerned.

3. Today during the hearing, an offer was given to the petitioner-senior citizen that as the respondent No. 3-daughter has taken a stand that she is ready to take care of the petitioner-senior citizen (mother) and is she ready to live with her, on instructions, learned counsel for the petitioner submitted that the petitioner-senior citizen is not ready to live with respondent No. 3-daughter.

4. Once, the petitioner-senior citizen is not ready to live with her daughter, it cannot be said that the respondent No. 3-daughter is not ready to take care of the petitioner-senior citizen. Further, it has already been brought on record that the petitioner-senior citizen is a retired person and is already getting pension. Further, from the impugned orders dated 12.04.2021 (Annexure P-3) and 07.02.2024 (Annexure P-5), it has been brought on record that the authorities after verifying the facts have given the finding that the respondent No. 3-daughter is ready to maintain the petitioner-senior citizen but the petitioner-senior citizen is not ready to live with the daughter.



5. Keeping in view the totality of the circumstances, as the petitioner has not been able to point out the perversity in the aforementioned impugned orders, no ground is made out for any interference by this Court.

6. Dismissed.

April 29, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No