



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(227)

CWP No. 12100-2023 (O&M)

Date of Decision : 10.03.2025

Jarnail Singh and another

...Petitioners

Versus

Ld. Appellate Maintenance Authority-cum-District Magistrate,
Fatehgarh Sahib and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Talwar, Advocate and
Mr. Sunny Singla, Advocate for the petitioners.

Mr. G.S. Salana, Advocate with
Mr. J.S. Salana, Advocate for respondent No. 3.

Mr. Malkiat Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the orders dated 13.02.2023 (Annexure P-10) and 25.11.2021 (Annexure P-3) passed by the authorities under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act') granting maintenance to the respondent No. 3-senior citizen/father.

2. Learned counsel for the petitioner-sons argues that a sum of ₹3,000/- per month each upon two petitioners have been imposed to pay the financial maintenance to the respondent No. 3-senior citizen-father but, the total earning of each of the petitioner is not beyond ₹10,000/- per month



hence, the said payment of 1/3rd of the total earning is too much to be paid as a financial assistance to the respondent No. 3-senior citizen (father).

3. Learned counsel appearing on behalf of the respondent No. 3-senior citizen father submits that he is 82 years old and he has already transferred his land vide transfer deed No. 554 dated 13.06.2007 measuring 17 marla in favour of his sons, withdrawal of which has not been accepted so far though, a liberty has been sought to avail appropriate remedy before the Civil Court as the aforementioned land has been taken by way of fraud. Learned counsel for the respondent No. 3-senior citizen further submits that respondent No. 3-senior citizen father has no other means to survive and, therefore, the financial assistance of even ₹6,000/- per month is withdrawn, he will have no other means to live.

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

5. Keeping in view the facts and circumstances where total land belonging to the respondent No. 3-senior citizen (father) has already been given to the petitioner-sons and the cancellation of the same has not been accepted on the ground that the same was transferred prior to the enactment of 2007 Act, the respondent No. 3-senior citizen (father) has no other means to survive.

6. Nothing evident has come on record as to show that there is any mean with the respondent No. 3-senior citizen (father) to survive as, apart from the old age pension of ₹1500/- per month which he is getting. ₹1500/- per month at this age when respondent No. 3-senior citizen (father) is suffering from various ailments, cannot be treated as enough.



7. In the facts and circumstances of the present case, as both the sons have been directed to pay a sum of ₹3,000/- per month each to the respondent No. 3-senior citizen, the same cannot be treated as arbitrary or illegal. The order dated 25.11.2021 (Annexure P-3) passed is upheld. The petitioner-sons are directed to pay the respondent No. 3-senior citizen (father) the arrears of maintenance as per the impugned order dated 25.11.2024 (Annexure P-3), the validity of which has been upheld, within a period of three months from the date of receipt of copy of this order.

8. Petition is disposed of in above terms.

9. Pending miscellaneous application, if any, also stands disposed of.

March 10, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No