



**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-15326-2021

Date of Decision:10.09.2025

BHATERI DEVI

...Petitioner

Vs.

**DEPUTY COMMISSIONER CUM DISTRICT MAGISTRATE CUM
PRESIDENT AND OTHERS**

...Respondent

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Saroj Kumari, Advocate,
Ms. Tannu, Advocate for
Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Kshitij Sharma, Advocate for respondent No.3

KULDEEP TIWARI, J. (Oral)

1. The petitioner is a senior citizen, after having failed to get the transfer deed cancelled before the Maintenance Tribunal and the Appellate Authority filed instant petition seeking quashing of order dated 25.11.2019 (Annexure P-7) passed by Sub-Divisional Magistrate-cum-Chairman, Maintenance Tribunal, District Bhiwani, and also to quash the order dated 18.03.2021 (Annexure P-9) passed by Deputy Commissioner-cum-District Magistrate-cum-President, Appellate Tribunal, Bhiwani, District Bhiwani.

2. Succinctly stated, the petitioner filed an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, for declaring the release deed no. 8998 dated 22.12.2014 regarding the land measuring 0 kanals 6 marlas (177 Sq. Yds.) being 6/80 share situated in Village Bhiwani, Lohar, upon which the house has been



constructed on the ground that this has been transferred to her son/respondent No.3 as he was earlier taking care of her, and after the transfer, stopped rendering any service to the petitioner, moreover, even he and his wife used to beat her, and tried to oust her from the house in question. It was, further, pleaded that her son/respondent No.3 never cared for her, and does not provide any clothes, medicines etc. as and when required.

3. The application was opposed by respondent No.3 by filing a reply and pleaded herein that he is serving with Forest Department, and the land in dispute has been purchased by his own hard earned money. It was further pleaded that the property in question has further transferred in favour of his son Lalit, vide registered deed dated 8520 dated 21.11.2017, hence, he is no more the owner of the property. His father is a retired government servant, and getting a pension of Rs.35,000/-, and the petitioner is residing with her son Ramesh Kumar. It was further averred that the petitioner is having additional land at Jonhpal Tehsil, and District Bhiwani, Village Sangwan Tehsil Tosham, and District Bhiwani. He further submits that petitioner is also receiving Rs.3,75,000/- per annum for her agricultural land, and is also cultivating the agricultural land for her daily needs.

4. During the proceedings before Maintenance Tribunal, to evaluate the situation, the Chairman of the Maintenance Tribunal Bhiwani, directed the Members of the Tribunal to prepare an enquiry report. The requisite enquiry report was prepared, which speaks that the petitioner is residing with her son Ramesh Chander, and husband Giani Ram, and as per report, she had rented out four rooms, rent of which is received by her, and



respondent No.3 is residing with his family in a different house. After evaluating the entire situation and enquiry report, the Tribunal came to a conclusion that it is not a case where transfer of the property is required to be cancelled, and dismissed the applications.

5. The petitioner preferred the statutory appeal, however, she remained unsuccessful, as the appeal was dismissed by the Appellate Authority vide order dated 18.03.2021.

6. Learned counsel for the petitioner while making an attempt to assail the impugned orders, submits that there are number of FIRs, which are registered between the petitioner, respondent No. 3 and other family members, which is sufficient enough to establish his conduct. He also submits that the property was transferred with the assurance that respondent No.3 will take care of the petitioner, but, since he refused to take care of her mother, therefore, authority concerned ought to have cancelled the transfer deed. The rooms which are referred to by the Tribunal as rented out, are infact in a dilapidated condition, and for that he has referred to the photographs, as appended with the present petition as Annexure P-6, to substantiate the fact same are not rented out.

7. Learned counsel for respondent No.3, submits that infact the application preferred by the petitioner is nothing but an abuse of process of law, as the application is filed at the behest of the other family members to settle the *inter-se* family property dispute. He further submits that the property in question is part of one common khasra No. 140//7/1(4-0) (6/80 shares), and out of which only the 6 marlas (177 sq. Yds.) was transferred in



favour of respondent No.3, rest was transferred to Ramesh Chander (other brother of respondent No.3), and remainder is still with the petitioner. He also submits that the transfer deed in question contains no recital of any condition obligating the respondent No.3, to provide basic amenities or physical needs to the petitioner, a senior citizen, rather the transfer is the outcome of purely a family settlement. Learned counsel draws the attention of this Court to the number of journals which were prepared after collecting the evidence from the spot itself, to submit that the petitioner was never dependant upon respondent No.3, rather she is living happily with her son Ramesh Chander and husband Giani Ram, who are having sufficient resources to maintain the petitioner, and moreover, the husband of the petitioner is further drawing a pension of Rs.35,000/-.

8. This Court has heard the submission made by the counsel for the parties and have perused the record.

9. From the facts mentioned above, it is clearly transpired that it is a case, whereby the application at the behest of the petitioner was filed only to settle the inter-se family dispute. The petitioner has transferred the only share in which respondent No.3 is living with his family, whereas, rest of the land is still in the possession of the petitioner and his other son, i.e. Ramesh Chander. Further, since the beginning, the petitioner is maintained by her husband, who is competent, and having enough resources, and there is no dispute that he is getting a pension of Rs.35,000/- per month. All the aforesaid facts clearly reflects that the transfer was not made with the promise to maintain the petitioner. It is also submitted that respondent no.3



is willing to maintain his mother, being her elder son, and is ready to pay Rs.5,000/- per month as maintenance for the rest of her lifetime.

10. In view of the specific stand take 7 by respondent No.3, the instant petition is **dismissed**, with a direction that, respondent No.3 shall pay an amount of Rs.5,000/-, as a maintenance amount, which shall be transferred to the account of her mother on or before the 10th of every month. In case the petitioner fails to deposit the maintenance amount, the petitioner is at liberty to get the instant petition revived. Account details are as follows:

Account No. : 03370110149270
Bank Name: UCO Bank
Branch Name: Bhiwani-Haryana
IFSC Code: UCBA0000337
MICR Code: 127028002

11. Ordered, accordingly.

(KULDEEP TIWARI)
JUDGE

10.09.2025

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