



CWP-15613-2024

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

(210)

CWP-15613-2024

Date of Decision : 23.09.2025

Harpal Singh

...Petitioner

Versus

Appellate Tribunal-cum-District Magistrate,
District Sangrur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vikram Satpal Anand, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
for respondents No.1 and 2.Mr. Ankit Joshi, Advocate (Legal Aid Counsel)
for respondent No.3.

KULDEEP TIWARI, J.(ORAL)

1. The respondent No.3-Ajaib Singh, father of the petitioner, has filed the petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter to be referred as 'the Act of 2007'), before the learned Maintenance Tribunal, for grant of maintenance to him.

2. The learned Maintenance Tribunal, after considering all the circumstances, and after giving due opportunity of hearing to the petitioner, vide order dated 12.12.2023 (Annexure P-3), directed Harpal Singh (respondent No.1, therein), to pay Rs.2,500/- per month, as maintenance to his father Ajaib Singh (respondent No.3). The said order was assailed by the petitioner, by filing a statutory appeal, under Section 16 of the Act of 2007, before the learned Appellate Authority. However, he remained unsuccessful, as the said appeal was dismissed, vide order dated 09.04.2024 (Annexure P-4). This has caused the grievance to the petitioner, and propelled him to file the instant writ petition, cast under Article 226 of the Constitution of India, wherethrough, he has made the prayer for setting aside of both the orders (supra).



3. Learned counsel for the petitioner submits that his father (respondent No.3), has transferred 12 *kanals* of land, in favour of his sister, Sandeep Kaur, vide transfer deed dated 21.02.2017, and he also disowned the petitioner, by issuing publication in various newspapers. He further submits that not only this, his father and his sister, has made a physical assault upon him, because of which, an FIR No.170 dated 02.10.2023, under Sections 341, 323, 325, 506 and 34 of IPC, 1860, at Police Station Bhawanigarh, District Sangrur, was registered. In view of the above facts, the petitioner is not entitled to maintain his father.

4. On the other hand, learned counsel for the respondent No.3, who has caused appearance before this Court, submits that there is no dispute between the parties with regard to the fact that the petitioner is the only son of the respondent No.3, and the petitioner does not have sufficient means to maintain himself. Merely, because the land, which falls in the share of the respondent No.3, was not transferred to the petitioner, does not absolve him from his statutory obligation to maintain his father, who is a senior citizen.

5. Learned counsel for the State, submits that the order passed by the authorities concerned, is a *quasi* judicial order, and therefore, there is no interest of the State, involved herein.

6. This Court has heard the submissions made by the learned counsel for the parties, and has also examined the orders passed by the learned Maintenance Tribunal, as well as, the learned Appellate Authority concerned.

7. The issue which requires consideration, is as to whether, the petitioner, who is the biological son of respondent No.3, is under statutory obligation to maintain his father, or not? The answer to this poser is only in affirmative, by virtue of provisions of the Act of 2007. In the instant case, there is no doubt that the relationship between the present petitioner, and his father is strained, and the father has already transferred some piece of land, in favour of petitioner's sister, Sandeep Kaur. Despite this fact, the petitioner cannot absolve from maintaining his father, who is otherwise incapable to maintain himself.

8. No cogent and positive evidence was led by the petitioner, before the learned Courts below, to submit that respondent No.3 has sufficient means to maintain himself in his old age.

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9. Learned Tribunal concerned, has passed the order dated 12.12.2023 (Annexure P-3), with regard to payment of maintenance to respondent No.3. During the course of the hearing, this Court, has put a specific query to learned counsel for the petitioner, as to whether, any maintenance has been paid by the petitioner, to respondent No.3, senior citizen, till date, to which, he answered in negative. Perusal of the interim orders reflects that no stay was granted in favour of the petitioner. Considering the conduct of the petitioner, this Court, is of the considered opinion that no equity can be extended in favour of the petitioner.

10. This Court has considered the status of the petitioner, who is retired Army personnel, drawing his pension as well, and now, also employed with the Civil Hospital, Sangrur, therefore, there is no merit in the instant writ petition, and no interference of this Court, is called for.

11. Consequently, the instant writ petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

September 23, 2025
Manpreet

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