

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP No.21325-2021****Date of decision: 16.09.2025****Rajinder Singh****.... Petitioner****Vs.****The Addl. Deputy Commissioner-cum-Appellate Authority,
Roop Nagar and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. S.S. Rana, Advocate, with
Mr. Arvind K. Sharma, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Vijay Lath, Advocate,
for respondents No.2 and 3.

KULDEEP TIWARI, J (Oral)

1. Through the instant petition, a challenge is thrown to the impugned order dated 31.08.2021 (Annexure P-8), passed by the Additional Deputy Commissioner-cum-Appellate Tribunal, Roop Nagar, wherethrough, the application moved by the petitioner under Section 22/23 of the Maintenance & Welfare of Parents & Senior Citizen Act, 2007 (for short, 'the Act'), was dismissed.

2. Succinctly, the petitioner claimed himself to be a senior citizen, aged about 75 years. It was averred in the application that he retired from B.B.M.B. in the year 2004. On 13.10.1989, he purchased a property and spent huge amount for constructing a house thereupon. Respondents No.2 and 3 are son and daughter-in-law of the petitioner, and they are living in the same house. Since, they were harassing, and not maintaining the petitioner, he disowned them from his movable and immovable property by way of publication in the newspaper. Later on, respondents No.2 and 3, begged pardon from the petitioner, and thereafter, he allowed them to stay in the house again. Subsequently, they started threatening the petitioner for transferring the property in their names, which forced him to file an application before the police department against the respondents. Thereafter, he filed an application before the Appellate Tribunal concerned under Section 22/23 of the Act. The respondent caused appearance, and informed the Court that the petitioner has already filed a Civil Suit No.91 of 2020 before the Civil Courts



concerned, and through an interim order dated 07.08.2020, the Civil Court concerned has already granted *status quo* with regard to the property in question. Consequently, the learned Tribunal concerned, dismissed the application filed by the petitioner vide order 31.08.2021.

3. Today, Mr. Vijay Lath, Advocate, has caused appearance on behalf of the respondents No.2 and 3 and informed this Court that cause of action for the petitioner to maintain the instant petition does not arise as petitioner has already transferred the property in the name of his other two sons through a transfer deed dated 26.06.2023.

4. Learned counsel for the petitioner is unable to rebut this contention of learned counsel for respondents No.2 and 3.

5. In view of the fact that, the petitioner has already transferred the property in question to his other children, therefore, the cause of action for the petitioner to maintain the application under Sections 22/23 of the Act, does not survive.

6. In view of the above, the instant petition is **dismissed** as no cause of action survives. However, liberty is extended to the petitioner that in case submissions of the respondents qua transfer of property is found to be incorrect, he can seek revival of the instant petition by moving apt motion.

(KULDEEP TIWARI)
JUDGE

16.09.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No