



CWP-21097-2022

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

(201)

CWP-21097-2022

Date of Decision : January 13, 2025

Bhupinder Kaur**.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Nitesh Singhi, Advocate, for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

Mr. Simranjit Singh, Advocate with
Mr. Bikramjit Singh, Advocate, for respondents No. 3 and 5.**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the grievance being raised by the petitioner is that the claim of the petitioner filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as '2007 Act'), has been rejected by the Tribunal vide order dated 22.09.2020 (Annexure P-2), which order has been upheld by the Appellate Authority under 2007 Act vide order dated 10.03.2021 (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner, who is the senior citizen, had transferred the land in favour of her son i.e.

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respondent No.3, who had further transferred the same in favour of the other son of the petitioner namely Harvir Singh i.e. respondent No.4 as well as Bharatvir Singh i.e. respondent No.5, who is the son of respondent No.3.

3. Learned counsel for the petitioner further submits that the petitioner is not being maintained, which is arbitrary and illegal hence, the transfer of the land in favour of respondent No.3 should have been set aside by the Tribunal, which claim has wrongly been rejected by the Tribunal and the Appellate Authority under 2007 Act has wrongly accepted the said order hence, forcing the petitioner to file the present petition.

4. Upon notice of motion, the respondents have appeared and stated that they are already paying the maintenance of Rs.2500/- per month to the mother and are ready to increase the same in case the Court comes to the said conclusion and in case the mother wants to come and live with respondents No.3 or respondent No.4 the other son, they have no problem.

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

6. The mother, who is 70 years old, needs not only the financial help but also the emotional help. As informed by the learned counsel for the parties, the mother is living with her daughter as of now. Even if, it is assumed for the sake of argument that Rs.2500/- per month is being paid by respondent No.3 to the mother, that is not sufficient enough to lead a dignified life as envisaged under Article 21 of the Constitution of India.

7. Keeping in view the facts and circumstances of the present case, though the claim of the petitioner for setting aside the transfer deed is not being accepted and the orders passed by the Tribunal and the Appellate

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Authority are upheld but starting from 01.01.2025, as agreed by the learned counsel for respondents No. 3 and 5, a sum of Rs.6,000/- will be paid to the petitioner by 7th of every month. Failure to deposit this amount, can lead to review of this order, which might cause prejudice to respondent No.3.

8. Learned counsel for the petitioner is directed to supply the account number of the petitioner to respondent No.3 and who shall by 7th of every month deposit a sum of Rs.6,000/- in that account starting from January 2025.

9. Further, in case the petitioner is ready to live with respondent No.3 as learned counsel for respondents No. 3 and 5 raises no objection qua the same, the mother can come and live with respondent No.3 as respondent No.3 has stated before this Court that sufficient accommodation is available with him to keep his mother.

10. The present writ petition is disposed of in above terms.

January 13, 2025*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No