



CWP No. 25136 of 2021 (O&M)

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

(211)

CWP No. 25136 of 2021 (O&M)

Date of Decision : 19.02.2025

Jasbir Singh and another**...Petitioners****Versus****The Appellate Authority-cum-Additional Deputy Commissioner,
Rupnagar and others****...Respondents*****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Vijay Lath, Advocate for the petitioners.

Mr. Saurabh Bahmani, Advocate for respondents No. 3 and 4.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the orders dated 03.08.2021 (Annexure P-5) passed by the Appellate Authority under the The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act') by which the claim of monthly maintenance has been declined in favour of the petitioners-senior citizens.

2. Learned counsel for the petitioners-senior citizens argues that the petitioners-senior citizens have no other source of income and respondent No. 3-son is liable to maintain them and, therefore, the petitioners-senior citizens should be maintained by the respondent No. 3-son and respondent No. 4, his wife, which prayer has wrongly been rejected by the authorities exercising powers under the 2007 Act.

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3. Upon notice of motion, the respondents have appeared and stated that the petitioners-senior citizens have disowned respondents No. 3 and 4 and that too by giving an Advertisement in the newspaper. Learned counsel appearing on behalf of the respondent-children submits that there is enough property with the petitioners-senior citizens, which is clear from the facts, which have been recorded by the authorities while passing the impugned orders dated 20.11.2020 (Annexure P-4) and 03.08.2021 (Annexure P-5), according to which, the applicants/petitioners have three shops out of which two are with being maintained by the petitioners-senior citizens Jasbir Singh and the one is with other petitioner-Manjit Kaur and these shops have been given on rent and further, they are living with another son, namely, Tajinder Singh, who is maintaining them, hence, there is no need for their maintenance and the present petition is only to harass the respondents No. 3 and 4.

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

5. *Prima-facie*, it is a clear case of misuse of 2007 Act. The averments which have been recorded by the authorities concerned with regard to the property being owned by the petitioners-senior citizens and the rent being fetched, has gone un-rebutted but still, the present petition has been filed. Once, there is enough property available with the petitioners-senior citizens to live a peaceful and dignified life, claim of maintenance from the private respondents No. 3 and 4, who have already been disowned by the petitioners, has rightly been rejected by the authorities below while exercising jurisdiction under 2007 Act.

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6. Further, the petitioners-senior citizens are living with their other son, namely, Tajinder Singh, who is taking care of them. Apart from property, they are being maintained by the other children. The grievance being raised against respondent No. 3 is not maintainable as the petitioners themselves have disowned him to be their son and once, he has been disowned to be the son, claiming maintenance on the ground that he is their son, is contradictory, hence, the prayer of the petitioners-senior citizens cannot be accepted and the present petition is dismissed.

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

February 19, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No