

**CWP-21839-2025****1**

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

(103)**CWP-21839-2025****Date of Decision : July 31, 2025****Surja Ram****.. Petitioner**

Versus

District Magistrate-cum- Presiding Officer, Sirsa and others**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Lal Singh Sandhu, Advocate, and
Ms. Aakanksha, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 12.12.2024 (Annexure P-4) passed by the authorities envisaged under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred as '2007 Act') by which, the claim of the petitioner for cancellation of the transfer deed transferred by petitioner in favour of the respondents has not been accepted.

2. Learned counsel for the petitioner argues that even if the transfer deed in favour of the respondents could not have been cancelled but the petitioner-senior citizen should have been given the assistance of financial maintenance which has also not been given to him by the respondents and therefore, the order dated 12.12.2024 (Annexure P-4) passed by the Tribunal may kindly be set aside.

3. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.



4. Keeping in view the fact that the petitioner-senior citizen is the owner of more than two and half acres of land and it has come on record that he has only given two marlas each to his three sons, which land is being sought back, the claim of the petitioner-senior citizen to get the said transfer deed cancelled, has rightly been rejected by the authorities concerned under 2007 Act. Nothing has come on record to show that how, the petitioner-senior citizen needs to be maintained and the petitioner-senior citizen is not being maintained by the respondents.

5. Once, proving non-maintenance at the hands of the transferee is a condition precedent to get the transfer deed cancelled, in the absence of proving the same, the authorities have rightly declined the claim of the petitioner for cancellation of the transfer deed.

6. Further, the claim of the petitioner is for the grant of financial maintenance. It has come on record that the senior citizen was having more than two acres of land, out of which, he has sold one acre and retained the sale amount received qua said land, which amount is with him. Once, the land which is being owned by the senior citizen is more than the land which was transferred in favour of the children and the said land is good enough to take care of the petitioner-senior citizen, non-grant of the financial maintenance to the senior citizen in the facts and circumstances of the present case would not attract Section 23 of the 2007 Act, as the petitioner-senior citizen has failed to prove that he has no money to sustain himself hence, in the facts and circumstances of the present case, the impugned order dated 12.12.2024 (Annexure P-4) needs no interference at the hands of this Court.



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7. Accordingly, the writ petition is dismissed.

July 31, 2025

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No