



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

209

CWP-31564-2019 (O&M)
Date of decision : 13.01.2025

CHARANJIT PAL

..... Petitioner

VERSUS

**DISTRICT MAGISTRATE, BATHINDA-CUM-APPELLATE
AUTHORITY AND OTHERS**

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Lalit Goyal, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

None for respondent No.3.

Harsimran Singh Sethi, J. (Oral)

1. In the present case, the challenge is to the order dated 26.03.2019 (Annexure P-3) passed by the Appellate Authority envisaged under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act'), by which order dated 11.04.2018 (Annexure P-2) passed by the Tribunal has been *set aside* and direction has been issued to the Tribunal to assess the claim of the petitioner afresh in light of the requirements of Section 23 of 2007 Act.

2. Learned counsel for the petitioner submits that the order passed by the Appellate Authority is incorrect as, a specific finding has been given that the petitioner is not being looked after hence, he has a right to claim the vasika No.1639 dated 19.07.2010 be set aside.

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3. On being asked to show that the transfer deed was executed with the condition that respondent No.3 will maintain the petitioner, learned counsel for the petitioner submits that he has not seen the said deed and he cannot reply to the said question.

4. Keeping in view the reply of the counsel, once the matter has been remanded back to the Tribunal by the Appellate Authority, the Tribunal will assess the claim of the petitioner afresh in light of the terms and conditions of the transfer deed to ensure as to whether the provisions of Section 23 of 2007 Act are fulfilled keeping in view judgement of the Hon'ble Supreme Court of India in **Civil Appeal No.174 of 2021, decided on 06.12.2022 titled Sudesh Chhikara Vs. Ramti Devi and another.**

5. In view of above, no ground is made out for any inference by this Court and present petition is dismissed.

6. Pending applications, if any, also stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

13.01.2025

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No