



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

CWP-33754-2019 (O&M)

Date of Decision : 16-01-2025

JATINDER NATH AND ANR

.....Petitioner(s)

VERSUS

ADDL.DEPUTY COMMISSIONER AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Siwach, Advocate for
 Mr. Preetwinder Singh Dhaliwal, Advocate
 for the petitioners.

Ms. Akshita Chauhan, DAG Punjab
for respondent Nos.1 and 2.

None for respondent Nos.3 and 4.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioners (i.e. father and the mother) is that the petitioners are senior citizens but they are not being maintained by their two sons namely Rajesh Kumar and Parveen Kumar and the application filed under Section 4 read with Section 9 and 23 seeking maintenance has been allowed by the Tribunal vide order dated 02.11.2017 (Annexure P-5) granting the maintenance of Rs.2500/- each i.e. Rs.5000/- to both the petitioners.

2. Learned counsel for the petitioners submits that the petitioners filed an appeal in the Appellate Tribunal for enhancement of the maintenance which has been dismissed by the appellate authority vide order dated 15.02.2019 (Annexure P-6)

3. Learned counsel submits that it is the duty of the children to maintain the old age parents and as of now, the parents have crossed 80 years of age and it is very difficult for them to sustain with a meagre amount of Rs.5000/- which has been granted to them i.e. in equal shares by both respondent Nos.3 and 4 especially when that even the said amount is not been paid to them.

4. Learned counsel for the petitioners submits that the maintenance amount be enhanced suitably so that, the petitioners are able to live a dignified life as envisaged under Article 21 of the Constitution of India.

5. Notice of motion was issued. Respondent Nos.3 and 4 were served with the notice and were represented by a counsel but for the last two hearings, no one has appeared on their behalf.

6. As the claim is being raised by super senior citizens, the petition cannot be adjourned any further, so as to decide their claim of maintenance amount.

7. I have heard learned counsel for the petitioners and have gone through the records of the present case with his able assistance.

8. The maintenance amount which has to be allocated should not only commensurate to the earnings of the person who is to pay the sum but also keeping in view the requirements of the senior citizens, who have to sustain themselves on the allocated maintenance allowance.

9. As per the petitioners, the shop which was being run by the petitioner No.1 was handed over to son namely Rajesh, who is still running the said shop and is earning handsome amount.

10. Further, in the maintenance amount, the petitioners have to not only survive but also take care of their deteriorating health, which facts have been ignored by the Tribunal as well as by the lower appellate Court while fixing the amount of Rs.2500/- to be paid by each of the son to the petitioners. In these hard days, maintaining oneself in Rs.2500/- and that too when the health is not on their side, is difficult.

11. Keeping in view the totality of the circumstances, it is directed that a sum of Rs.5000/- each will be paid to the petitioners equally by both the sons to the petitioners (i.e. total of Rs.10,000/-) starting from the date when the application was filed by the petitioners raising a claim under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 2007 Act) i.e. from 18.11.2015 onwards along with arrears.

12. The said maintenance will be deposited by both the sons of the petitioners in the account of the petitioners by the 7th of every month.

13. The arrears admissible to the petitioners under the order will also be released in their favour within a period of two months from the receipt of copy of this order and in case, the same is not done, the said action will only amount to contempt of court but the petitioners will be free to recover the said amount under the arrears of land revenue by initiating appropriate proceedings against respondent Nos.3 and 4.

14. Present petition is disposed of in above terms.

15. Pending application, if any, also stands disposed of.

16-01-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking YES
Whether reportable: NO