

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

103

CWP-3069-2026 (O&M)

Date of Decision : March 16, 2026

REHAMDEEN ALIAS REHAM DIN

-PETITIONER

V/S

**APPELLATE TRIBUNAL CUM DISTRICT MAGISTRATE AND
OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

CM-4007-CWP-2026

1. As prayed for, the instant application is **allowed**. Annexures P-5 to P-9 are taken on record subject to all just exceptions.

CWP-3069-2026

2. The present writ petition has been instituted by a septuagenarian senior citizen challenging the order dated 23.10.2025 passed by respondent No.1- Appellate Tribunal, whereby the appeal preferred by respondents No.3 to 7 was allowed and the order dated 10.01.2024 passed by respondent No.2- Maintenance Tribunal was set aside. Further, by virtue of the impugned order, four sons of the petitioner, namely respondents No.8, 10, 11 and one Harsh Chaudhary @ Arshad Ali Dhot, have been directed to pay maintenance to the petitioner @ ₹2,000/- each per month, aggregating to ₹8,000/- per month.

3. Assailing the impugned order, the sole contention advanced by

learned counsel for the petitioner is that, upon arriving at a conclusion that the order dated 10.01.2024 had been passed in the absence of respondents No.3 to 7, the Appellate Tribunal ought to have remanded the matter to the Maintenance Tribunal for fresh adjudication. No other submission has been urged on behalf of the petitioner.

4. Before embarking upon the process of gauging the legality of the impugned order and penning down any opinion on merits of the writ petition, it is considered apposite to concisely delineate the relevant factual matrix.

5. The petitioner filed an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) before the Maintenance Tribunal seeking cancellation of an oral gift deed (Hibanama) dated 09.10.2022 and a written memorandum of Hiba dated 14.11.2022, executed in favour of his sons and grandson, namely respondents No.8 to 11. It was averred that the petitioner, being the owner of agricultural land measuring 22 Bighas 19 Biswas 14 Biswasi and 24 Bighas 9 Biswas 11 Biswasi situated in Village Binjoli Kalan, Tehsil and District Malerkotla, had transferred the said property in favour of the respondents (*supra*) on the assurance that they would maintain and look after him and his wife during their lifetime. However, subsequent to such transfer, the transferees failed to fulfil their obligations, compelling the petitioner to seek cancellation of the said transfers under Section 23 of the Act of 2007.

6. It is pertinent to note that, prior to the filing of the application (*supra*), two of the petitioner’s sons, namely respondents No.10 and 11, had

already alienated a portion of the land in question in favour of respondents No.3 to 7 for valuable consideration vide a sale deed dated 24.02.2023. However, this material fact was not disclosed by the petitioner in his application. Furthermore, respondents No.3 to 7, being beneficiaries under the sale deed, were not duly served before the Maintenance Tribunal, and in their absence, the order dated 10.01.2024 came to be passed, whereby the gift deeds were cancelled.

7. Upon acquiring knowledge of the order dated 10.01.2024, respondents No.3 to 7 preferred an appeal before the Appellate Tribunal. Besides assailing the said order on the ground of its being passed in their absence and without them being duly served, respondents No.3 to 7 brought on record the relevant factual background. It was submitted that respondent No.3 was married to the petitioner's son, namely Harsh Chaudhary @ Arshad Ali Dhot, on 07.12.2008, and respondents No.4 to 7 were born out of the said wedlock. Subsequently, matrimonial disputes arose, leading respondent No.3 to initiate maintenance proceedings and also to lodge FIR No.148 dated 07.06.2022 under various provisions of the IPC and the Uttarakhand Freedom of Religion Act, 2018 at Police Station Dalanwala, Dehradun, against her husband, the petitioner, and respondents No.10 and 11. The dispute was eventually amicably settled, and in furtherance of the compromise, respondents No.10 and 11 executed the sale deed dated 24.02.2023 in favour of respondents No.3 to 7, transferring a portion of the land in question along with a residential house in equal shares.

8. It was further contended that the petitioner was present at the time of the compromise as well as the execution of the sale deed (*supra*),

and thus had full knowledge thereof. Despite this, the petitioner deliberately suppressed the said fact in his application under Section 23 of the Act of 2007 and procured the order dated 10.01.2024 from the Maintenance Tribunal.

9. The Appellate Tribunal, upon consideration of the matter, allowed the appeal filed by respondents No.3 to 7 and set aside the order of the Maintenance Tribunal vide the impugned order dated 23.10.2025.

10. Having heard learned counsel for the parties and perused the record, this Court finds no illegality, infirmity, or perversity in the impugned order passed by the Appellate Tribunal. The reason for drawing this inference is that the petitioner, despite being fully aware of the execution of the sale deed dated 24.02.2023 in favour of respondents No.3 to 7, failed to disclose the same before the Maintenance Tribunal. It is also undisputed that: (i) matrimonial dispute arose between respondent No.3 and the petitioner's son; (ii) FIR No.148 dated 07.06.2022 (*supra*) had been registered by respondent No.3 against her husband and his family members (including the petitioner); and (iii) the matter was subsequently resolved through a compromise, pursuant to which the sale deed (*supra*) was executed.

11. The above clearly indicates that the provisions of the Act of 2007 were invoked by the petitioner, in connivance with his family members, in a manner that amounts to misuse of the statutory process, with the intent to defeat the rights accrued to respondents No.3 to 7, who are none other than his daughter-in-law and grandchildren, under a lawful compromise. The Appellate Tribunal has, therefore, rightly set aside the

order dated 10.01.2024, and this Court finds no justification to take a contrary view.

12. Consequently, the present writ petition, being devoid of merit, stands **dismissed**.

March 16, 2026
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No