

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

106

CWP-4493-2026

Date of Decision : May 07, 2026

BALWINDER SINGH

-PETITIONER

V/S

**APPELLATE TRIBUNAL CUM DISTRICT MAGISTRATE,
FATEHGARH SAHIB AND ORS.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Amandip Kaur, Advocate (Legal Aid Counsel)
for the petitioner.

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

Mr. Viranjeet Singh Mahal, Advocate
for the respondents No.3 to 6.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner, a sexagenarian senior citizen, seeks modification of orders dated 06.08.2024 and 15.09.2025 passed by the Maintenance Tribunal and the Appellate Tribunal respectively, to the extent of enhancement of maintenance to ₹10,000/- per month in his favour under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”). The petitioner further seeks issuance of directions to the respondents No.3 to 6 (his sons and daughters-in-law) to vacate his residential house and property.

2. Succinctly stated, the petitioner had instituted proceedings under Sections 4, 5, 9 and 23 of the Act of 2007 before the Maintenance Tribunal seeking maintenance @ ₹10,000/- per month from the respondents

No.3 to 6, as well as eviction of the said respondents from his residential house. It was pleaded that the petitioner is suffering from multiple ailments and has undergone various surgeries. It was further pleaded that both his sons, though financially sound, are residing in his house along with their respective families on the assurance to provide maintenance and look after him. However, they reneged on the said assurance, failed to provide basic care and maintenance, and even broke open the lock of his room and removed certain belongings therefrom.

3. The claim of the petitioner was contested by the respondents No.3 and 5 (sons of the petitioner), who pleaded that they are engaged as daily wage iron workers at Mandi Gobindgarh and earn a monthly income of approximately ₹9,000–₹10,000 each. It was submitted that they have to maintain their respective families, including wives and children, from the said meagre income. It was further stated that the petitioner himself is engaged in tyre puncture work and is also in receipt of old age pension. It was also contended that the house in question is situated within Lal Dora and comprises three rooms, out of which each of the sons occupies one room, while the petitioner is in occupation of the third room.

4. Upon consideration of the pleadings and material on record, the Maintenance Tribunal, vide order dated 06.08.2024, directed the respondents No.3 and 5 to pay maintenance to the petitioner in the sum of ₹2,000/- per month (₹1,000/- each). However, the prayer for eviction of the respondents from the house in question was declined. The petitioner, being aggrieved, preferred a statutory appeal under Section 16 of the Act of 2007 before the Appellate Tribunal, which did not find favour. Consequently, the

petitioner has approached this Court.

5. Having heard learned counsel for the parties and perused the record, this Court finds that the petitioner has failed to place on record any cogent material before the Maintenance Tribunal to substantiate his pleading that the respondents No.3 and 5 refused to maintain him or subjected him to misconduct. The parties appear to be residing as part of a joint family in a modest accommodation situated within Lal Dora. In the absence of credible evidence, the respondents No.3 and 5, who are residing along with their families, cannot be directed to be evicted solely on the basis of unsubstantiated assertions.

6. However, with respect to the quantum of maintenance, this Court is of the view that the amount awarded is inadequate and warrants enhancement. Accordingly, the maintenance is enhanced from ₹2,000/- per month to ₹3,000/- per month, payable by the respondents No.3 and 5 in equal shares (₹1,500/- each). The said amount shall be deposited directly into the petitioner's bank account on or before the 10th day of each month.

7. **The instant writ petition stands disposed of accordingly.**

May 07, 2026
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(KULDEEP TIWARI)
JUDGE

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