



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA No.837 of 2026
Date of Decision: 07.04.2026

Parminder Kaur
...Appellant
Versus
State of Haryana and others
...Respondents

LPA No.863 of 2026

Gulzar Singh and another
...Appellants
Versus
State of Haryana and others
...Respondents

CORAM: HON’BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present:- Mr. N.C. Kinra, Advocate
for the appellant(s).

* * * *

HARSIMRAN SINGH SETHI, J. (Oral)

1. By this order, the above-captioned two appeals, the details of which have been mentioned above, are being decided together, as both involve the same question of law arising out of similar facts.
2. In both the appeals, the challenge is to the common order dated 06.02.2026 passed by the learned Single Judge, whereby the writ petitions filed by the appellants to quash the order dated 13.12.2021 passed by the Maintenance Tribunal under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short ‘the Act, 2007’), were



dismissed and order dated 05.09.2022 passed by Appellate Tribunal whereby the claim for reversion of the property to the senior citizen under Section 23 of the Act, 2007 was rejected.

3. Learned counsel for the appellant(s) argues that once the property in question was transferred by the senior citizen in favour of his daughter, i.e respondent No.4, and the daughter upon receiving the said property failed to maintain the appellants-senior citizens hence, for the purpose of reversion of property the requirements of Section 23 of the Act, 2007 are fulfilled, which provision has been ignored not only by the Tribunal but also by the learned Single Judge while dismissing the writ petitions filed so as to reject the claim of appellants-senior citizens for reversion of the property transferred in favour of the daughter.

4. We have heard learned counsel for the appellants and have gone through the record with his able assistance.

5. Section 23 of the Act, 2007, under which the application has been filed for treating the transfer of the property at the hands of the appellants to their daughter as fraud so as to revert the same, is as under:-

“23. Transfer of property to be void in certain circumstances

1. Where any senior citizen who, after the commencement of this Act, has by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be



declared void by the Tribunal.

2. Where any senior citizen has a right to receive maintenance out of an estate and such estate or part , thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

3. If any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of section 5.”

6. A bare perusal of the above reproduction would show that there are two ingredients which are required to be fulfilled in order to invoke Section 23 of the Act, 2007 so as to get the property transferred back in favour of the senior citizen-transferor. The first condition enshrined is that in the transfer deed, there should be a specific stipulation that the transferee is liable to maintain the transferors after transfer of the property, and second that the transferee has failed to comply with the said condition. A finding has been recorded by the learned Single Judge in the order impugned that apart from the property which had been transferred in the name of daughter, the senior citizen still had other immovable property in his own name from which, he can live a dignified life. One cannot be oblivious to the intent of legislature behind enacting this provision which is that senior citizen has a right to live a dignified life. The fact that the senior citizen has own property in his name has also been conceded by the learned counsel for the appellants even during the hearing in the present appeals.

7. In these facts, the prayer raised by the appellants-senior



citizens for cancellation of the transfer of the property by the appellants senior citizens in favour of their daughter, is to be adjudicated.

8. Concededly, the transfer deed does not recite that the daughter was supposed to take care of the senior citizen, who had transferred the property in her name hence, first condition mentioned in Section 23 of the Act, 2007 is not fulfilled so as to deny the operation of Section 23 of the Act, 2007 so as to declare the said transfer as fraud.

9. Further, even if it is presumed for the sake of the arguments that the condition of taking care of the senior citizen is inherent in the transfer of such property then also, the appellants were required to prove that they are not being taken care of by the daughter so as to claim reversion of the property back to them.

10. It may be noticed that at the time when property was transferred to respondent No.4 daughter she was already married, and was supposed to live in her matrimonial home away from the senior citizen. It is also a conceded position that the daughter is a Canadian citizen living in Canada whereas senior citizen are living in India. That being so, expecting from a daughter who is married in Canada to live with them in India and take care of them is too much of expectation and that too in consideration of a property which has been transferred in her favour by way of a family settlement. Hence, the ground sought to be contended, that the daughter is not maintaining them merely because she is living in Canada, does not fulfil the requirement of Section 23 of the Act, 2007.

11. Even otherwise, the aspect regarding maintenance has to be seen keeping in view the means with which the senior citizens have or not, to maintain themselves. Learned counsel for the appellants concedes that



even as of now, the senior citizen has enough immovable property to generate revenue out of it is so to live a dignified life hence, when such fact is applied to the present case, seeking reversion of the property transferred in the name of the daughter by contending that she is not maintaining them, cannot be accepted.

12. Keeping in view the totality of the circumstances, as mentioned hereinbefore, the requirements of Section 23 of the Act, 2007 have not been proved by the appellants-senior citizens to claim that the transfer of the property by them in favour of their daughter was fraud.

13. Learned counsel for the appellants submits that no opportunity was given to lead the evidence so as to prove certain assertions. The said argument cannot come to the rescue of the appellants, as the ingredients required under Section 23 to the Act, 2007 to be proved so as to claim the property back have been discussed hereinbefore and the only aspect which required to be proved was whether the daughter was maintaining the senior citizen or not and in the present case, the Court has already held that the argument that the daughter was not maintaining them is incorrect keeping in view the financial capabilities of the senior citizen and other relevant facts.

14. No ground is made out for interference by this Court.

15. The present appeals are dismissed.

16. A photocopy of this order be also placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

07.04.2026
seema

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No