

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

103

CWP-8927-2025

Date of Decision : May 05, 2026

MANINDER PAL SINGH

-PETITIONER

V/S

**DISTRICT MAGISTRATE CUM APPELLANT AUTHORITY AND
OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ritesh Aggarwal, Advocate, and
Mr. Chankirat Singh Bakshi, Advocate
for the petitioner.

Mr. Tanmoy Gupta, Advocate, and
Mr. Rohit Kaushik, Advocate
for the respondents No.1 and 3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner challenges the orders dated 10.05.2023 and 25.10.2024, passed respectively by the Maintenance Tribunal and the Appellate Tribunal.

2. Succinctly stated, the respondent No.2, a senior citizen, instituted an application under Sections 4 and 5 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 directions against the petitioner (her grandson) to provide her with adequate maintenance. The application averred that the husband of the respondent No.2 was the owner of House No.778 and Shop Nos.778/1 and 778/2, situated at Manimajra, Chandigarh. Upon the demise of her husband, the said property devolved equally upon their son Gurjit Singh (petitioner’s

father) and daughter Kuldip Kaur (petitioner's aunt). Unfortunately, her son (petitioner's father) also passed away, following which his share of the property, comprising both residential and commercial components, was inherited by the petitioner, who has since been enjoying the benefits therefrom. It was further averred that the petitioner bears no respect for the respondent No.2, has paid no regard to her welfare or well-being, and instead abandoned her to fend for herself on the streets, after which she has been residing with her daughter Kuldip Kaur. On these averments, the respondent No.2 sought maintenance from the petitioner to sustain her livelihood during the twilight years of her life.

3. The Maintenance Tribunal allowed the application vide order dated 10.05.2023, directing the petitioner to pay ₹5,000/- per month to the respondent No.2 as maintenance. Deriving grievance therefrom, the petitioner filed a statutory appeal under Section 16 of the Act of 2007 before the Appellate Tribunal, which was dismissed vide order dated 25.10.2024. Moreover, the Appellate Tribunal directed the petitioner to forthwith comply with the order of the Maintenance Tribunal and to clear all arrears of maintenance within 30 days.

4. Assailing the impugned orders, learned counsel for the petitioner contends that a property dispute is pending between the petitioner and his aunt Kuldip Kaur, in respect whereof a civil suit has already been instituted. It is argued that the proceedings under the Act of 2007 constitute sponsored litigation instigated by the petitioner's aunt Kuldip Kaur, who seeks to resolve the property dispute by invoking the said provisions, thereby amounting to misuse of the enactment. It is further submitted that

the petitioner's aunt procured the transfer of the entire agricultural land in her favour from the senior citizen and subsequently alienated it to a third party. Consequently, the petitioner stands absolved of any obligation to maintain the senior citizen, as she remains under the influence of her daughter and possesses sufficient means to maintain herself.

5. This Court has heard learned counsel for the petitioner and perused the record.

6. It is not in dispute that the petitioner is in exclusive possession of the house-cum-shops (*supra*) situated at Manimajra, Chandigarh, and that the respondent No.2 is residing with her daughter Kuldip Kaur, and has no independent means of sustenance, except for a meagre old-age pension of ₹2,500/- per month.

7. The petitioner is a person of means, and in the considered view of this Court, he cannot shirk his obligation to maintain his grandmother. The existence of an *inter se* property dispute between the petitioner and his aunt does not absolve him of such obligation, particularly when he has inherited property originating from the husband of the respondent No.2. The Tribunals, having duly considered the parties' pleadings and bearing in mind the object of the Act of 2007 to secure the welfare of the respondent No.2, awarded a modest maintenance of ₹5,000/- per month, which the petitioner is reluctant to pay. The relevant observations of the Appellate Tribunal are extracted below:-

“As such, as per above referred provisions of the Act ibid, the respondent being grand-parent & senior citizen is entitled to file application before Ld. Maintenance Tribunal as it is the obligation of the appellant-grandson to maintain the senior citizen and cater to her needs so that she may lead a normal life. Moreover, this Act

under which the present matter is being tried is enacted for the benefit and protection of senior citizens and parents from their children and grandchildren. While interpreting the provisions, object of the Act has to be kept in mind which is to provide simple, inexpensive and speedy remedy to the parents and senior citizens, who are in distress by a summary procedure. Thus, the provisions have to be liberally construed as the primary object is to give social justice to parents and senior citizens. Every senior citizen has a fundamental right to live with dignity. It is the duty cast upon the State Government to protect the life, liberty & property including dignity and decency of senior citizen.

In the totality of facts and circumstances of this case, after hearing arguments of both the parties and on perusal of the documents brought on record carefully, the undersigned finds that the impugned order dated 10.5.2023 passed by Ld. Maintenance Tribunal does not suffer from any patent illegality or perversity. As such, there is no infirmity in the order of Ld. Maintenance Tribunal. Hence, the order dated 10.05.2023 passed by Ld. Tribunal is upheld and the present appeal is hereby dismissed being devoid of merits under the provisions of this Act. The appellant is directed to ensure compliance of order of Ld. Maintenance Tribunal with immediate effect and pay the arrears of maintenance within 30 days from the date of dispatch of this order, failing which Ld. Sub Divisional Magistrate (Central)-cum-Maintenance Tribunal, U.T., Chandigarh shall get this order executed as per provisions contained in Sub-section (2) of Section 11 of the Act ibid and send compliance report thereof. Court file of the Lower Court be returned along with a copy of this order.”

8. It is also pertinent to record that during the course of hearing, this Court specifically queried learned counsel for the petitioner as to whether the petitioner has cleared the arrears of maintenance as directed by the Maintenance Tribunal. Learned counsel, on instructions, submitted that the petitioner is not willing to pay the maintenance amount. He further submitted that he had advised the petitioner to withdraw the writ petition,

however, the petitioner insisted on adjudication on merits. This conduct of the petitioner compels this Court to dismiss the writ petition on this ground as well.

9. In summa, this Court finds no ground to interfere with the well-reasoned orders passed by the Tribunals. Accordingly, **the instant writ petition stands dismissed.**

May 05, 2026
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(KULDEEP TIWARI)
JUDGE

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