

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

103

CWP-9175-2026

Date of Decision : April 23, 2026

DEV SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Jai Bhagwan, Advocate
for the petitioner.

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

Mr. Sunny K. Singla, Advocate
for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner, a sexagenarian senior citizen, impugns the order dated 16.10.2025 passed by the Appellate Tribunal, whereby the appeal preferred by the respondent No.3 (his daughter-in-law) was allowed and the order dated 08.01.2025 passed by the Maintenance Tribunal was set aside.

2. Succinctly stated, the petitioner instituted an application under the provisions 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 the transfer deed dated 15.02.2024, whereby 12 Bighas of land were transferred in favour of his son (respondent No.4). The son, who was the sole respondent before the Maintenance Tribunal, filed a reply asserting that he had subsequently transferred the land in question in favour of his wife (respondent No.3) vide

transfer deed dated 19.04.2024. Despite being apprised of this subsequent transfer, the petitioner neither challenged the same nor took steps to implead the respondent No.3 as a party to the proceedings. The Maintenance Tribunal, vide order dated 08.01.2025, without advertng to the non-impleadment of the subsequent transferee, proceeded to cancel both the original transfer deed dated 15.02.2024 as well as the subsequent transfer deed dated 19.04.2024, invoking Section 23 of the Act of 2007.

3. The cancellation of the transfer deed dated 19.04.2024, without affording an opportunity of hearing, caused pain to the respondent No.3 and propelled her to file an appeal before the Appellate Tribunal. In the appeal, she averred that matrimonial dispute existed between her and her husband (respondent No.4), and multiple proceedings were pending between them. It was further asserted that the transfer of the land in her favour was effectuated pursuant to a compromise arrived at in the matrimonial dispute, and that the present proceedings were initiated by the petitioner in collusion with respondent No.4. The Appellate Tribunal, finding merit in the appeal, allowed the same vide the impugned order dated 16.10.2025.

4. Learned counsel for the petitioner submits that the appeal preferred by the respondent No.3 was not maintainable in view of Section 16 of the Act of 2007, as she does not fall within the category of a senior citizen. It is further submitted that the failure of the respondent No.4 to provide maintenance and basic amenities to the petitioner, despite a specific condition in the transfer deed, entitled the petitioner to invoke Section 23 of the Act of 2007 for cancellation of the said transfer deed. In support, reliance is placed upon the verdict rendered by a Co-ordinate Bench of this

Court in “*Promil Tomar and others vs. State of Haryana and others*”, 2014(1) PLJ 303.

5. *Per contra*, learned counsel for the respondent No.3 defends the legality of the impugned order contending that cancellation of the transfer deed dated 19.04.2024, in the absence of the beneficiary and without affording her an opportunity of hearing, is *per se* illegal and violative of the principles of natural justice. It is further submitted that the transfer in her favour was made pursuant to a matrimonial settlement and, therefore, could not have been annulled by invoking Section 23 of the Act of 2007.

6. This Court has considered the submissions advanced by learned counsel for the contesting litigants and perused the record. For the reasons to be assigned hereinafter, this Court does not find any merit in the instant writ petition.

7. It is undisputed that the land in question, originally transferred by the petitioner in favour of the respondent No.4, had been transferred by the latter to the respondent No.3 vide transfer deed dated 19.04.2024, pursuant to a matrimonial settlement. This fact was duly brought to the notice of the petitioner and the Maintenance Tribunal by the respondent No.4 through his reply. Despite having knowledge thereof, the petitioner failed to implead respondent No.3, the subsequent transferee, in the proceedings. Furthermore, the Maintenance Tribunal also committed a patent error in law by setting aside the transfer deed dated 19.04.2024 in the absence of the beneficiary thereof. Any order passed to the prejudice of a person without affording an opportunity of hearing is unsustainable in law.

The Appellate Tribunal, therefore, rightly interfered with and set aside the order dated 08.01.2025.

8. Insofar as the question “*whether a subsequent transfer deed executed pursuant to a matrimonial settlement can be annulled by invoking Section 23 of the Act of 2007*” is concerned, the answer to the same is in the negative. The facts of the present case, *prima facie*, indicate collusion between the petitioner and respondent No.4 with a view to defeat the matrimonial settlement and deprive respondent No.3 of the benefits arising therefrom.

9. It is further surging forth from the record that the petitioner owns approximately 68 Bighas of land. In such circumstances, it cannot be said that he is dependent upon the 12 Bighas transferred in favour of the respondent No.3. The present case exemplifies a misuse of the provisions of Section 23 of the Act of 2007 for settling a matrimonial dispute between the respondents No.3 and 4.

10. Insofar as the petitioner’s contention that the appeal preferred by the respondent No.3 (daughter-in-law) was not maintainable on the ground that she is not a senior citizen is concerned, the same, in the considered opinion of this Court, is devoid of merit. The reason for drawing this inference stems from the *judgment dated 28.05.2014*, delivered by a Division Bench of this Court in *CWP-7282-2010*, wherein the Division Bench interpreted the provisions of Section 16(1) of the Act of 2007 to hold that an affected party also has a right to appeal. The relevant portion of the judgment dated 28.05.2014 is extracted hereunder:-

“We are thus of the view that Section 16(1) of the said

Act is valid, but must be read to provide for the right of appeal to any of the affected parties.”

11. In summa, the instant writ petition is **dismissed** as being devoid of merit.

April 23, 2026
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(KULDEEP TIWARI)
JUDGE

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