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

CWP-14404-2024

Date of Decision: 19.02.2026

KARAMJIT SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mohd. Yousaf, Advocate and
Ms. Arzoo Modi, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
for respondents no.1 to 3.

Mr. Sahil Soi, Advocate,
for respondent no.4

Mr. Sandeep K. Bansal, Advocate,
for respondent no.5.

KULDEEP TIWARI, J. (Oral)

1. The dispute is between the son (petitioner) and his father (respondent no.4), as on an application preferred by respondent no.4, whereby, three different transfer deeds transferring the land in question, in favour of the petitioner, were cancelled by the learned Maintenance Tribunal (respondent no.3), by invoking the provisions of



Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, vide its *ex parte* order dated 06.01.2020 (Annexure P-9).

2. Upon fetching grievance from the *ex parte* order (supra), the petitioner (son) filed an appeal under Section 16 of the Act of 2007, before the learned Appellate Authority, which was also dismissed vide order dated 03.10.2023 (Annexure P-11). Hence the instant writ petition.

3. Learned counsel for the petitioner submits that the application before the learned Maintenance Tribunal was filed by respondent no.4 (senior citizen) with an ulterior motive, by mentioning his incorrect address therein, despite his place of residence being very much in his knowledge. Therefore, without following the procedure as envisaged under the Civil Procedure Code, 1908, for summoning, the petitioner was erroneously proceeded against *ex parte* by the learned Maintenance Tribunal.

4. She further submits that in the appeal, the aforesaid ground was taken by the petitioner, however, the learned learned Appellate Authority, instead of deciding the issue of legality of proceeding *ex parte* against the petitioner, have decided the appeal on merits.

5. She also submits that the petitioner was never given any opportunity to rebut the contentions of respondent no.4 (senior citizen), by filing apposite response, and also to lead apt evidence to prove that

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there exists no ingredient of Section 23 of the Act of 2007, to cancel the transfer deeds in question.

6. On the other hand, learned counsel for respondent no.4 vociferously opposed the submissions, as made by learned counsel for the petitioner, and submits that all these are dilatory tactics, as petitioner was very much aware about the pendency of the application before the learned Maintenance Tribunal. Only after passing of the impugned order, the petitioner started agitating, and raised a concocted ground of incorrect address.

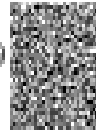
7. He in addition submits that the learned Maintenance Tribunal has rightly annulled the transfer deeds, as the petitioner failed to maintain respondent no.4, after execution of the said transfer deeds.

8. He next submits that now respondent no.4 is of 80 years of age, therefore, considering the object of Act of 2007, the technical defects may be ignored.

9. However, he fairly concedes to the fact that the learned Appellate Authority, has not adjudicated the legality of issue, of proceedings against the petitioner *ex parte* by learned Maintenance Tribunal.

10. This Court has considered submissions of learned counsel for both the parties concerned, and has examined the impugned Award.

11. A perusal of the order passed by the learned learned



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Appellate Authority, makes it very clear that though the contention of the petitioner regarding erroneously proceeding against him *ex parte* by the learned Maintenance Tribunal, was recorded, however, the latter concerned, has not adjudicated the legality of the same. In case the learned Appellate Tribunal, had come to conclusion that the *ex parte* proceedings were erroneously carried out against the petitioner, he would have got opportunity to file a response to the original application before the learned Maintenance Tribunal, in order to establish his defence. In absence of such exercise, this Court finds that the impugned appellate order requires interference. Accordingly, the impugned order 03.10.2023 (Annexure P-11), is hereby *set aside*, and the *lis* is **remanded** to the learned Appellate Tribunal concerned, for adjudication, afresh.

12. The petitioner and respondents no.4 and 5, directed to cause appearance before the learned learned Appellate Authority concerned, on 06.03.2026 at 11:00 AM, either in person or through their counsel.

13. Considering the age of respondent no.4 (senior citizen), further a *mandamus* is passed upon the learned learned Appellate Authority, to decide the appeal afresh, after affording adequate opportunity of hearing to the parties, within a period of **four months**, from the date of their causing appearance before the latter concerned, as directed above.

14. **Disposed of, accordingly.**



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15. All pending application(s), if any, also stand **disposed** of accordingly.

February 19, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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