



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

101**CWP-18633-2026****Date of Decision: 01.07.2026**

NACHHATAR KAUR

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Govind Arora, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. In the present petition, challenge is to the order dated 04.02.2026 (Annexure P-7) passed by the Appellate Tribunal-cum-District Magistrate, Ambala, as well as the order dated 07.07.2023 (Annexure P-3) passed by the Maintenance Tribunal, Naraingarh, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act'), whereby the claim of the petitioner for cancellation of the transfer deeds dated 02.01.2018, restoration of possession, protection of her life and property, and grant of maintenance was only partly allowed without recording any finding on the prayer for cancellation of the transfer deeds.

2. Learned counsel for the petitioner submits that the petitioner was defrauded of her ancestral property by the private respondents under the guise of preparing documents for her permanent residency in England. However, the authority concerned, without taking into consideration the material facts of the case, arbitrarily dismissed the appeal filed by the petitioner. Consequently, the impugned orders are liable to be set aside and



the transfer deeds dated 02.01.2018 deserve to be cancelled.

3. Notice of motion to the State-respondent No. 1 only at this stage.

4. Ms. Saumya Ahluwalia, Sr. DAG, Haryana waives service of notice on behalf of the respondent No.1-State. She submits that the Maintenance Tribunal rightly declined to cancel the transfer deeds as the dispute regarding the property is pending before the competent Civil Court. She further submits that respondents No.4 & 5 are residing abroad and, therefore, there is no threat to the life or property of the petitioner. The Tribunal, after considering the willingness of respondent No. 4 to maintain the petitioner, had directed him to pay maintenance of ₹10,000/- per month to the petitioner. Moreover, the Appellate Tribunal, while partly allowing the appeal, enhanced the maintenance to ₹15,000/- per month and also directed that the income/lease amount from the disputed property be deposited in the petitioner's bank account during her lifetime. Accordingly, the impugned orders are legal, reasoned and call for no interference by this Court.

5. Having heard the arguments and after perusing the record, this Court finds no force in the arguments advanced by the learned counsel for the petitioner. The present petitioner is decided in *limine* in order to save litigation cost of the private respondents and also to save the judicial time of the Court.

6. Certain facts are not in dispute that the petitioner had executed the transfer deeds dated 02.01.2018 in favour of respondent Nos. 4 and 5, cancellation of which was subsequently sought by invoking the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens



Act, 2007. The learned Maintenance Tribunal, while granting maintenance @Rs.10,000/- per month to the petitioner, declined to cancel the transfer deeds on the ground that the dispute regarding the title of the property was pending before the competent Civil Court. Moreover, even the ingredients of Section 23 remained unmet. While giving concurrent findings with respect to the cancellation of the transfer deeds, the Appellate Tribunal enhanced the maintenance amount to ₹15,000/- per month, while simultaneously directing that the income/lease amount from the disputed property be deposited in the bank account of the petitioner during her lifetime.

7. As per the settled principle of law settled by the Hon'ble Supreme Court of India in the case of **Sudesh Chhikara vs. Ramti Devi and another 2023 (1) RCR (Civil) 226**, proving of non-maintenance by the senior citizen is essential in order to get relief under Section 23 of the 2007 Act. Relevant paragraphs No.13 & 14 of the judgment are as under:-

“13. When a senior citizen parts with his or her property by executing a gift or a release or otherwise in favour of his or her near and dear ones, a condition of looking after the senior citizen is not necessarily attached to it. On the contrary, very often, such transfers are made out of love and affection without any expectation in return. Therefore, when it is alleged that the conditions mentioned in sub-section (1) of Section 23 are attached to a transfer, existence of such conditions must be established before the Tribunal.

14. Careful perusal of the petition under Section 23 filed by respondent no.1 shows that it is not even pleaded that the release deed was executed subject to a condition that the transferees (the daughters of respondent no.1) would provide the basic amenities and basic physical needs to respondent no.1. Even in the impugned order dated 22nd May 2018 passed by the Maintenance Tribunal, no such finding has been recorded. It seems that oral evidence was not adduced by the parties. As can be seen from the impugned judgment of the Tribunal, immediately after a reply was filed by the appellant that the petition was fixed for arguments. Effecting transfer subject to a condition of providing the basic amenities and basic physical needs to the transferor – senior citizen is sine qua non for applicability of sub-section (1) of Section 23. In the present case, as stated earlier, it is not even pleaded by respondent no.1 that the release deed was executed subject to such a condition.”



8. The petitioner has failed to show that the findings recorded by the authorities under the 2007 Act suffer from any patent illegality, perversity or jurisdictional error warranting interference by this Court under Articles 226/227 of the Constitution of India. Moreover, the petitioner has already been granted maintenance, alongside the safeguard that the income from the disputed property would be credited to her bank account during her lifetime.

9 Keeping in view the totality of the facts and circumstances of the case, no ground is made out for interference with the impugned orders. Accordingly, the present writ petition is dismissed.

10. Civil Miscellaneous application pending, if any, is also disposed of.

(KIRTI SINGH)
JUDGE

July 01, 2026

Ritika

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*