



CWP-20190-2022

-1-

208

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

CWP-20190-2022

Date of Decision: 11.02.2026

HARNEK SINGH**-PETITIONER****V/S**

**DISTRICT MAGISTRATE CUM APPELLATE TRIBUNAL AND
OTHERS**

-RESPONDENTS**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. H.S.Sehgal, Advocate,
for the petitioner.

Mr. T.P.S.Walia, AAG, Punjab

Mr. Satpal Sachdeva, Advocate for
Mr. Gurbhej Singh, Advocate,
for respondents no.3.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, the legality of the order dated 23.04.2021 (Annexure P-4), passed by the learned Maintenance Tribunal (respondent no.2), in a proceeding initiated under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the 'Act of 2007'), has been challenged, where through the application, preferred by the petitioner (senior citizen), under Section 23 of Act of 2007, for declaring the transfer deed dated 01.02.2013 (Annexure P-1) as null and void, has been dismissed. And, the appeal filed against the



CWP-20190-2022

-2-

aforesaid order before the learned Appellate Authority (respondent no.1), has also been dismissed vide order dated 14.07.2022 (Annexure P-6), which is also impugned before this Court.

2. Learned counsel for the petitioner submits that the land in question was transferred by the petitioner to his daughter-in-law (respondent no.3), with the condition that she will maintain him during his life time.

3. He further submits that after the death of petitioner's son, this arrangement was made, as there was a positive assurance from respondent no.3, that she will raise his grandson, and will take care of him as well, while living at his residence. However, immediately, after execution of the transfer deed, respondent no.3, stopped maintaining the petitioner, and even left the house, and started residing with her parents, and took away his minor grandson with herself as well.

4. He also submits that though there is no specific condition in the transfer deed, however, there is a specific admission by respondent no.3 (daughter-in-law), before the learned Maintenance Tribunal concerned, that she was maintaining the petitioner, but now she has started living with her parents.

5. Learned counsel appearing for respondent no.3, strongly, opposed the submissions, as made by learned counsel for the petitioner.

6. By placing reliance upon a judgment dated 15.12.2025, passed by a Division Bench of this Court in **“Babu Lal Sharma vs.**



Sushila Devi and others” LPA-701-2018, and connected petitions, he submits that any proceedings against the daughter-in-law, under the Act of 2007, is not maintainable.

7. He also draws attention of this Court towards the transfer deed (*supra*), to submit that there is no recital therein, that the transfer of land, was subject to the condition of maintaining the petitioner (senior citizen) and his wife.

8. He next submits that after the demise of husband of respondent no.3, the land in question was transferred in favour of respondent no.3, in order to settle the family dispute, and to secure the rights of the her son (and grandson of the petitioner), to whom she is now raising on her own.

9. He further submits that the petitioner is now aggrieved on account of respondent no.3 having started residing with her parents, which does not give any cause of action to the petitioner to invoke the provision of Act of 2007.

10. This Court has given due consideration to the submissions, as made on behalf of the parties concerned, and has also examined both the impugned orders.

11. Before this Court evaluate the legality of the impugned orders, lets have a glimpse upon the contents of the transfer deed (Annexure P-1).

12. A perusal of the said transfer deed (*supra*), vividly postulates

**CWP-20190-2022**

-4-

that the transfer of land was made on account of a family settlement, which does not contain any condition, to the effect that the transfer of land was subject to the condition of maintaining the petitioner (Senior citizen). The relevant part of the transfer deed is extracted hereinafter:-

“.....This land and the other land was joint Hindu family property, the family settlement of which has been done by me. In the family settlement I as the owner of the said land along with the right of water, watercourse, passage, trees and other rights, have given the same to my daughter-in-law Sarabjit Kaur widow of Sukhchain Singh son of Harnek Singh, resident of Buttar Bakhuha, tehsil Gidderbaha and the possession has been transferred. Sarabjit Kaur has become the owner in possession of this land. I have no concern. If the mutation and girdawari is sanctioned in my absence in the name of Sarabjit Kaur, I will have no objection. The market value of this land has been assessed at Rs.12,60,000/-. Sarabjit Kaur is the legal heir of my first degree.”

13. Further, the basic grievance for seeking cancellation of transfer deed by the petitioner, is that respondent no.3, after getting 14 kanals of land transferred in her favour, has gone to her parental house, leaving him behind, who is living in difficult conditions. Besides this, she has also filed a case of partition, before the revenue authorities concerned, in which she is trying to have forcible possession of land from the petitioner. It is also asserted in the application by the petitioner, that in case, respondent no.3, gets possession of 14 kanal of land from him, he would suffer irreparable loss, and it will be difficult for him to meet his ends. The relevant part of the application reads as under:-

“.....She has not paid anything. This transfer was made without any consideration. At that time, Sarabjit Kaur had assured me and my wife that she would serve us in our old age and would not take the possession of the land during our lifetime and would fulfill our requirements in the old age. But



later on Sarabjit Kaur has cheated me and my wife and after getting the land transferred in her favour, has left me and my wife alone and went to her parental house with his child.

4. That when we along with the Panchayat went to Sarabjit Kaur and said to her that you have induced us and got our land in your favour and now you have backed out of promise to look after us. Then Sarabjit Kaur said that she wanted to get the land transferred in her favour in a deceitful manner, and she has done it and she would also take the possession of the land and after taking the possession, would sell the land to someone else. And after receiving the consideration amount of this land, she would contact second marriage. Sarabjit Kaur also said that neither she would come to you in village Buttar Bakhuha and nor would look after you. It was also said that now I would spend my life in luxury. Now I have left you forever. She also said that now I would file a case for partition and would get the possession of this land. Sarabjit Kaur did not listen to the Panchayat and flatly refused to come with us and also refused to look after us. Open threats of taking the possession of the land were given. Besides this, the last sign of our son Sukhchain Singh, our grandson has also been taken away from us.

5. That the respondent Sarabjit Kaur has got our 14 kanal land transferred in her favour by inducing me and now she herself has gone to her parental house leaving us behind in this old age and now we are facing lot of difficulties. Besides this, Sarabjit Kaur has also filed a case of partition before the Tehsildar, Gidderbaha, in which she is trying to forcibly have the possession from us. If Sarabjit Kaur gets the possession of 14 kanal land from us, then I would suffer irreparable loss and we it will be difficult to make ends meet.”

14. It is also not under dispute that admittedly, the petitioner is still in possession of 14 kanals of land.

15 In view of the above facts, this Court has also examined, whether the application under the Provisions of Act of 2007, by a senior citizen is maintainable against the daughter-in-law or not?

16. The aforesaid issue is no more *res integra*, as the Division Bench of this Court in **Babu Lal Sharma's case** (supra), while

**CWP-20190-2022**

-6-

considering the definition of 'children' and 'relatives', as defined under Section 2(a) and 2(g) of the Act of 2007, respectively, has categorically held that the proceeding under the aforesaid Act, is not applicable/maintainable against daughter-in-law by a senior citizen. Following the aforesaid judgment, this Bench has already taken a similar view in “**Anupam vs. Additional District Magistrate, Panchkula and others**” (CWP-2472-2019, decided on 29.01.2026).

17. In view of the above, this Court does not find any reason to take a divergent view, which has already been taken in **Anupam's case** (*supra*). Hence, this Court holds that the proceedings, against respondent no.3 (daughter-in-law) under the Act of 2007 by the senior citizen, is not maintainable.

18. Further, this Court has also examined the issue, as to whether, in the facts and circumstances of the case, the petitioner can invoke the mischief of Section 23 of the Act of 2007. The answer to this question, is surely in 'negative', for the hereinafter extracted reason:-

i. There is no recital in the transfer deed (*supra*), that the transfer of land in question, is subject to the condition of maintaining the petitioner (senior citizen), and also to cater to his basic needs. Rather, a perusal of the transfer deed clearly reflects that it is an outcome of a family settlement.

ii. Though in the application it is mentioned that the transfer of land in question in favour of respondent no.3 by the petitioner, was subject to condition of maintaining the



CWP-20190-2022

-7-

petitioner, and his wife, however, no evidence were led, or no efforts were made to establish that the said transfer was conditional one. In the absence of any evidence in support of assertions as made in the application, both the learned Tribunals, have rightly rejected the same.

iii. It is fairly admitted by learned counsel for the petitioner, that the petitioner (senior citizen) is still having land of 14 kanals in his favour, and rest 14 kanals has been transferred in favour of respondent no.3 vide transfer deed. Therefore, it reflects that the said transfer is an outcome of a family settlement. Now the petitioner (senior citizen), is aggrieved on account of partition proceedings initiated at the behest of respondent no.3, which is very much clear from paragraphs no.5 of the application of the petitioner, as extracted above.

19. In view of the above, this Court can safely conclude that the allegations, as levelled by the petitioner, does not attract the mischief of Section 23 of the Act of 2007. Therefore, This Court does not find any reason to interfere in the impugned orders (*supra*). Consequently, the instant petition, being bereft of any merits, is hereby, **dismissed**.

February 11, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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