



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

CWP-21214-2024 (O&M)

Date of decision: 28.04.2026

Karam Chand @ Karam Singh

....Petitioner

Versus

Deputy Commissioner-cum-Appellate Tribunal under Maintenance and
Welfare of Parents and Senior Citizen Act, 2007, Patiala and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mayank, Advocate, for
Mr. Prashant Bansal, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

Mr. Vivek Suri, Advocate,
Mr. Dushyant Godara, Advocate,
Ms. Kritika Sharma, Advocate, and
Ms. Swati Bansal, Advocate,
for respondent No.3.

KULDEEP TIWARI, J. (Oral)

1) The petitioner, who is a septuagenarian, has knocked the doors of this Court by way of instant writ petition under Articles 226/227 of the Constitution of India, for quashing of the order dated 15.10.2020 (Annexure P-3), vide which, respondent No.2, though rejected the prayer to cancel the transfer deed, but directed respondent No.3 (son) to pay an amount of Rs.1,000/- on monthly basis, apart from looking after his father (petitioner). Likewise, the order dated 14.05.2024 (Annexure P-5), is also put to challenge, whereby, appeal preferred by the senior citizen against the order (supra) has been dismissed, but the monthly maintenance amount has been enhanced to Rs.3,000/-.



2) In nutshell, the petitioner-senior citizen moved an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), for cancellation of Transfer Deed bearing Wasika No.69 dated 03.05.2016, for the land measuring 11 bighas, 0 biswa, 15 biswasis, situated at village Hari Majra, Tehsil Rajpura, which was executed by him in favour of his son-respondent No.3. It was pleaded that on the assurance of respondent No.3, that he would look after the petitioner throughout his life, and would also provide the basic facilities, the senior citizen transferred the abovesaid land in favour of his son, through the transfer deed in question. However, post execution of the transfer deed, instead of standing by his words, the respondent-son started mal-treating his father.

3) Upon hearing the parties, and evaluating the evidence led by them, the Maintenance Tribunal, vide order dated 15.10.2020 (Annexure P-3), directed the respondent-son to pay monthly maintenance to his father @ Rs.1000/-, but did not accede to grant the relief of cancellation of transfer deed. However, it was observed that in the event of default, the transfer deed would be deemed to be cancelled. Similarly, even the Appellate Tribunal dismissed the statutory appeal preferred against the abovesaid order, but enhanced the monthly maintenance to Rs.3,000/-.

4) Learned counsel for the petitioner submits that the application is strengthened by all the necessary ingredients, as required under Section 23 of the Act of 2007, for cancellation of the transfer deed. Further, the Maintenance Tribunal failed to consider the evidence adduced by the petitioner to establish that his son did not honour his



promise. Likewise, the Appellate Court could not factor in the abovesaid crucial aspects of the matter, while passing the impugned order.

5) *Per contra*, learned counsel for respondent No.3, while drawing attention of the Court towards contents of the application, submits that no such condition to maintain the senior citizen, has been depicted therein, requiring the Tribunal to invoke Section 23 of the Act of 2007. Further, the son, without any default, is paying an amount of Rs.3,000/- monthly to his father, besides meeting out his day to day needs.

6) This Court has heard learned counsel for the contesting parties, and has also gone through the record.

7) A perusal of the impugned order reflects that the Maintenance Tribunal has miserably failed to adjudicate even the primary issue, i.e. whether, the transfer in question was subject to the condition of maintenance of father by son. Similarly, the issue, as to whether, the basic pre-requisites to invoke Section 23 of the Act of 2007 were fulfilled by the applicant, has also not been addressed, while passing the impugned order. Since both the authorities, i.e. Maintenance Tribunal and Appellate Tribunal, could not comprehend the significance of adjudication of the abovesaid issues, which are the foundational basis to reach to any conclusion in such like cases, the impugned orders cannot withstand the test of judicial scrutiny.

8) In view of the above, both the impugned orders are **set aside**. The matter is **remitted** to the Maintenance Tribunal to decide afresh, keeping in mind the abovesaid observations made by this Court.

The parties are directed to cause appearance before the Maintenance



Tribunal, Rajpura, on 21.05.2026, whereupon, the latter shall decide the matter, after due compliance of the provisions of the Act of 2007, and the apposite Rules, including the grant of a fair opportunity of hearing to all the parties concerned, within a period of four months from the receipt of a certified copy of this order. It is also expected that the matter shall be decided on its own merits, without being influenced by the observations already recorded.

9) Further, till the final disposal of the matter, the respondent shall continue to pay the maintenance amount to his father-petitioner. And, in case, the parties intend to lead additional evidence, in support of their respective claims, the Maintenance Tribunal shall grant them adequate opportunity, in this regard, subject to the time line stipulated above.

10) Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

28.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No