



CWP-31699-2024

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

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CWP-31699-2024

Date of Decision :25.02.2025

Sukhma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Rana, Advocate for the petitioner.

Mr. Sourabh Girdhar, AAG, Haryana.

None for respondents No.3 to 6.

* * *

Harsimran Singh Sethi, J. (Oral)

1. As per office report, respondents No.3 to 6 have been served and respondent No.7 has unfortunately died.

2. In the present petition, prayer of the petitioner-senior citizen is that the order dated 06.07.2023 (Annexure P/1) passed by the District Magistrate & Appellate Tribunal, Panipat under the Maintenance and Welfare of Parents and Senior Citizen, Act, 2007 (in short, '2007 Act') acting upon the application of the petitioner-senior citizen filed under Section 4,5 & 23 of the 2007 Act, may kindly be set aside as the prayer raised in the said application was for cancellation of transfer deed No.2118 dated 22.03.2018 (Annexure P/2) by which, the property of the petitioner-senior citizen was transferred in favour of the private respondents has been

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rejected despite proving the fact in the proceeding going on before the Appellate Tribunal that the petitioner-senior citizen was not being maintained properly and yet, after putting all the aspects in front of the appellate Tribunal, a sum of Rs.10,000/- per month has been directed to be paid as financial maintenance to the petitioner-senior citizen by the Appellate Tribunal rather than setting aside the transfer deed dated 22.03.2018 (Annexure P/2), which was the prayer of the petitioner-senior citizen before the Appellate Tribunal.

3. Learned counsel for the petitioner-senior citizen further submits that no due reason has been given by the Tribunal in its order dated 06.07.2023 (Annexure P/1) for not granting the relief as was being claimed by the petitioner-senior citizen by virtue of the application filed by her hence, the order dated 06.07.2023 (Annexure P/1) is liable to be set aside.

4. Despite service, none has appeared on behalf of the private respondents. Private respondents are therefore, proceeded ex-parte.

5. Prayer of the petitioner-senior citizen in the application filed by her before the Appellate Tribunal was for setting aside the Relinquishment deed dated 22.03.2018 by which, the property of the petitioner-senior citizen was transferred in favour of the private respondents. The said prayer of the petitioner-senior citizen has not been accepted by the authorities concerned while passing impugned order dated 06.07.2023 (Annexure P/1). Relevant portion of the impugned order is as under:-

“After hearing both the parties and after careful examination of the documents provided I came to the conclusion that the appellant is a senior citizen. Applicant being the mother of respondent NO.1 and 2 it is the duty of the respondent to take good care of her and maintain her

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properly. Therefore, respondent No.1 and 2 are directed to provide Rs.10,000/- per month from the date of decision 06.07.2023 for her maintenance and once electricity meter to be installed in her name. Applicant is instructed to provide her account number to the respondents. If the respondents does not provide the maintenance amount then the applicant may take help from the police. File to be kept in record room."

6. A bare perusal of the impugned order dated 06.07.2023 (Annexure P/1) would show that no due reason has been given by the Appellate Tribunal as to answer why, the transfer deed dated 22.03.2018 (Annexure P/2) cannot be declared to have been prepared under fraud so as to grant relief to the petitioner-senior citizen under Section 23 of the 2007 Act. This shows that the impugned order of the Appellate Tribunal dated 06.07.2023 (Annexure P/1) is totally cryptic and non-speaking.

7. Keeping in view the above, impugned order dated 06.07.2023 (Annexure P/1) is set aside and the case is remanded back to the authorities concerned for passing a fresh order on the plea of the petitioner-senior citizen upon the issue that whether the transfer deed dated 22.03.2018 (Annexure P/2) is liable to be set aside or not by giving due reasons for the same. In the meantime, private respondents will continue to pay a sum of Rs.10,000/- per month to the petitioner-senior citizen as has been awarded by the Tribunal vide its order dated 06.07.2023 till the fresh final order is passed by the authorities concerned.

8. Present petition is disposed of in above terms.

February 25, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No