



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

CWP-25759-2025
Date of decision: 16.09.2025

Bahadur Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. A.S. Barnala, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

CM-13748-CWP-2025

For the good and valid reasons assigned in the application, the same is allowed. Accordingly, a copy of transfer of ownership dated 31.10.2022 is taken on record as Annexure P-5.

CWP-25759-2025

1. Through the instant writ petition, as cast under Article 226/227 of the Constitution of India, a Certiorari is prayed for, to quash the order dated 28.09.2023, passed by the learned Tribunal-respondent No.2, vide which, the application preferred by the petitioner, under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), was dismissed, and also the order dated 22.07.2025 (Annexure P-4), passed by the learned Appellate Authority, whereby, the statutory appeal filed by him against



the order (supra), has been dismissed.

2. A brief narration of the facts, as disclosed by the petitioner in his application (supra), shall be imperative.

3. The petitioner, who is a senior citizen being aged about 75 years, preferred an application under Section 23 of the Act of 2007, for cancellation of the transfer of ownership deed dated 31.10.2022 qua land measuring 28 kanals 02 marlas, situated at village Chunga, which was transferred by him in favour of his sons, one of them is respondent No.4. It was specifically pleaded that the petitioner was blessed with two sons, namely Hardeep Singh and Jaspreet Singh. Unfortunately, Hardeep Singh committed suicide due to the harassment caused by Jaspreet Singh-respondent No.4, and Harpreet Kaur-respondent No.5 (wife of late Hardeep Singh). Further, being a septuagenarian, the petitioner was not in a position to earn his livelihood, and therefore, his son (Jaspreet Singh) was looking after him. On the assurance extended by his daughter-in-law that she would take care of him, if the land in question would be transferred in favour of her husband-Hardeep Singh, and also feeling satisfied with the devotion of his son-respondent No.4, the petitioner transferred land measuring 28 kanals 02 marlas in their favour on 31.10.2022. It was repeatedly pleaded by the petitioner that, Harpreet Kaur used to quarrel with her husband for transfer of land in question, and had been staying in her parental home for three years. With the passage of time, quarrels started taking a toll on Hardeep Singh, and eventually, he succumbed to the pressure, and committed suicide by consuming poison, on 22.11.2022. Thereafter, an FIR No.44 dated 22.11.2022 was registered against the private respondents under Section



306 of the Indian Penal Code, and they straightaway refused to maintain the petitioner.

4. The learned Maintenance Tribunal, after considering all the aspects, including the version of the respondents, concluded that the petitioner, post execution of the transfer deed in question, also executed another sale deed qua the land measuring 20 kanals 15 marlas in favour of a third party. In such circumstances, he cannot be considered to be a man without means to survive, and the application was dismissed, vide order dated 28.09.2023.

5. Fetching grievance from the order (supra), the petitioner preferred a statutory appeal under Section 16 of the Act of 2007. After analyzing the entire gamut of the matter, the Appellate Authority dismissed the appeal, vide order dated 22.07.2025. Hence, the petitioner is before this Court, through the instant writ petition, challenging the orders (supra).

6. Learned counsel for the petitioner, while drawing attention of the Court to the transfer deed (Annexure P-5), submits that it is categorically recited therein that the transfer of land is strictly subject to the condition that beneficiaries, i.e. respondents No.4 and 5, would continue to take care of the petitioner:-

“2. That the possession of the land has been given to the beneficiary and if the beneficiary will not take care of me, then this Vaseeka shall liable to be cancelled under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

3. That now the beneficiary will become owner and in possession of this land like me and all my rights regarding



this land, have been transferred in his favour. Now the executants has no concern with the land mentioned in this deed.”

7. However, the private respondents not only ran away from their responsibility of maintaining the petitioner, but also started quarreling with Hardeep Singh, which ultimately compelled him to take extreme step of suicide. He further submits that merely because the petitioner has sold some land subsequent to the transfer deed in question, does not disentitle him from seeking cancellation of transfer in question by invoking Section 23 of the Act of 2007.

8. This Court has heard learned counsel for the petitioner and examined the record.

9. In order to adjudicate the matter, the entire chronology of events, which led a senior citizen to file the instant petition, needs to be highlighted. The transfer deed in question qua 28 kanal 02 marals of land, was executed on 31.10.2022. Thereafter, one of the sons of the petitioner, namely Hardeep Singh, committed suicide on 22.11.2022. The petitioner lodged a criminal complaint on the premise that respondents No.4 and 5 are responsible for the untimely departure of his son, and, immediately, an FIR No. 44 dated 22.11.2022 was registered against them. A narration of the sequence of events itself speaks volumes that filing of the application under Section 23 of the Act of 2007 by the petitioner, was not on account of backtracking of the private respondents from maintaining him, but owing to his belief that they are responsible for the death of his son. The abovesaid factual aspect of the matter can be deciphered from a bare perusal of the contents of the application (supra),



and the same read, as thus:-

“5) That even before the transfer of land, the daughter-in-law Harpreet Kaur of the petitioner used to quarrel with her husband Hardeep Singh, she was living in her parental house for 3 years. After getting the land in the name of Hardeep Singh, his son Jaspreet Singh brought his daughter-in-law Harpreet Kaur to his house. After the land was registered in his name, Jaspreet Singh was forcibly possessing his land measuring 3 Kanals and he was threatening him that he want to get your land transfer in our name, we have done it, now he will not give amount for your expenses, medicine etc. Due to which, the dispute started in the family and they stopped taking care of him. His son Jaspreet Singh and daughter-in-law Hapreet Kaur started harassing his second son Hardeep Singh that you should transfer you land in the name of Harpreet Kaur, due to which, his son Hardeep Singh consumed poisonous medicine and was died on 22/11/2022. On the basis of his statement, FIR No.44 dated 22.11.2002 was registered against Jaspreet Singh and Harpreet Kaur, in which regard they are now confirmed in the Sub Jail, Barnala.

6) That now, respondents Jaspreet Singh, Harpreet Kaur are confined in Sub Jail Barnala regarding the murder case of his son Hardeep Singh. The petitioner has no source of income. Even before going to jail, Jaspreet Singh and Harpreet Kaur stopped taking care of him and started threatening him that they would sell his land. When he objected to this, respondents Jaspreet Singh, Harpreet Kaur abused him and also beaten him.

7) That on the basis of transfer of ownership of the land, the respondents are in the process to get sanction the mutation of this land, which is totally is illegal, contrary to law and is not liable to be accepted.

8) That respondents, taking undue advantage of



the transfer of ownership deed, should be restrained from further selling the land in favour of anybody else and to evict the petitioner from his house and land. The petitioner requested them not to do so but they are adamant to do so and refused to accept the request of petitioner. So the said act of the respondents is wrong and illegal and if the present petition is not allowed then the petitioner will suffer huge irreparable loss.”

10. It also needs to be taken into the account, that, ultimately, respondent No.4-Jaspreet Singh was found innocent by the investigating agency, and charges framed against him were dropped by the learned Magistrate concerned, vide order dated 04.01.2023. The petitioner fails to bring on record any evidence, much less cogent, to substantiate that respondents No.4 and 5 are not maintaining him, except the bald aspersions. In the absence of any substantial material on record, this Court is of the considered view that provision of Section 23 has been invoked by the petitioner to wreak vengeance from the private respondents, for the reasons already demonstrated above. Not only that, the petitioner remained conveniently silent all through that he had four children, namely, Jaspreet Singh, Harpreet Kaur, Manjit Kaur and Hardeep Singh, whereas, in the application, he pleaded that he had only two sons. It has further been proved on record by the respondents before the learned Tribunal that, in fact, the petitioner, on 31.10.2022, has sold major chunk of land of his own to the third party, namely Manpreet Kaur, and the entire sale proceeds are being enjoyed by none other than the petitioner himself. Though, this Court is of the considered view that merely because the petitioner has substantial amount to survive does not



absolve the private respondents from their obligation to maintain the petitioner, in the light of the commitment extended by them in the transfer deed in question. However, in the instant case, the reason to seek declaration of the transfer deed in question as null and void, is not that private respondents have failed to maintain the senior citizen, but, on account of the position narrated above. Therefore, the abovesaid factual aspects of the matter, compels this Court to observe that the petitioner, under the garb of the application, is in a bid to settle personal scores with private respondents. Therefore, this Court cannot allow the miscarriage of provisions of Section 23 of the Act of 2007.

11. Though, considering the chronology of events, as demonstrated above, this Court can arrive at a conclusion, still, it is deemed apt to delve further into the matter. Therefore, it is imperative to examine, as to whether, the averments set out in the application, as referred to above, are sufficient to invoke the provisions of Section 23 of the Act of 2007. For this, it is relevant to have a glimpse of the same, which are extracted hereinafter:-

“23. Transfer of property to be void in certain circumstances.

(1) Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.



(2) Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

(3) If, any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of section 5.”

12. The above extracted provisions empower a senior citizen to seek cancellation of any transfer of property executed by him, either by way of gift deed, or otherwise; provided that the transferee has undertaken the obligation to provide basic amenities and maintenance to the senior citizen. However, if, the transferee fails to adhere to the promised maintenance, such transfer of property shall be deemed to have been made by fraud, coercion or undue influence.

13. Sub-clause (1) of Section 23 of the Act of 2007, creates a legal fiction and empowers the learned Tribunal concerned, to presume that the transfer is the result of fraud, coercion or undue influence, in case, the transfer is made subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor, and post the execution of the transfer deed, the transferee fails to keep the promise.

14. Two ingredients are essential to be established by leading the cogent evidence. First, that the transfer was subject to the condition that the transferee shall provide the basic amenities and basic physical



needs; second, post execution of the transfer deed, the transferee failed to provide the basic amenities and physical needs. However, in the instant matter, as already discussed above, the position is otherwise. It is nowhere proved that private respondents have failed to discharge their duty of maintaining the senior citizen-petitioner. Thus, he has miserably failed to satisfy the abovesaid ingredients to invite invocation of Section 23 of the Act of 2007.

15. In view the position sketched out above, this Court dissuades from interfering with the well-reasoned impugned orders. The writ petition is accordingly dismissed.

(KULDEEP TIWARI)
JUDGE

16.09.2025
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No