

CWP-25340-2018 (O&M)

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

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**CWP-25340-2018 (O&M)
Decided on : 29.04.2025**

GURTEJ SINGH AND ANR

. . .Petitioner

Versus

SUB-DIVISIONAL MAGISTRATE SAMRALA AND ORS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Raghav Gulati, Advocate for the petitioners.

Mr. TPS Chawla, Sr. DAG, Punjab.

Mr. Umesh Kumar Kanwar, Advocate for respondent No. 3.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioners is that vide impugned orders dated 23.06.2016 and 20.03.2018 (Annexure P-5 & 7) passed by respondent No. 1, directions have been given to petitioner No.1 to pay financial monthly maintenance to his mother-respondent No. 2, who is living with respondent No. 3 (other son of respondent No. 2) and her husband i.e. the father of petitioner No. 1. Hence, the prayer of the petitioner is that the aforementioned impugned orders be set-aside.

2. Learned counsel for the petitioners submits that the father of petitioner No. 1 is a retired personnel from Chandigarh Police and is getting more than Rs. 50,000/-as pension and mother of the petitioner No. 1 is living with her husband i.e. the father of petitioner No. 1, as of now, but is still claiming for the financial maintenance from the son i.e. petitioner No. 1. Learned counsel for the petitioners further submits that

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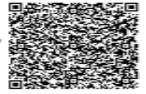
the petitioner No. 1 is working as a technician and is not able to earn more than Rs. 15,000/- per month as income, and which is not enough even to support the needs of his own family. Learned counsel for the petitioners further submits that the impugned orders directing the petitioner no. 1 for payment of maintenance amount to the mother has been passed by the Tribunal without appreciating the actual facts

3. Learned counsel for the respondent-mother has not been able to rebut the fact that the husband of the respondent No. 2-senior citizen mother is alive and is a beneficiary of pension and is getting more than Rs. 50,000/- per month as pension. The fact that the mother of the petitioner No. 1 is living with her husband i.e. father of petitioner No. 1 and the other son (respondent No. 3), has also gone unrebutted.

4. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. Once, the respondent No. 2-mother of petitioner No. 1 is living with her husband, who is a beneficiary of pension and is getting more than Rs. 50,000/- per month as pension, it becomes the duty of the husband to take care of his wife. It is only under the circumstances where both the senior citizens do not have adequate finances to lead their in a dignified manner, the children are to be brought into the scenario so as to support their parents by providing them with the financial assistance so that the senior citizens can live their life in a dignified manner.

6. Once, the senior citizens have enough resources of their own to take care of themselves as compared to financial resources of the

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children, claim of the senior citizens for the benefit of financial assistance has to be decided by keeping in mind the said fact. The Tribunal has to ensure that the claim of the senior citizen is a genuine one not raised by them because of animosity between the parties.

7. In the present case, the respondent no. 2-senior citizen (mother of petitioner No. 1) is living with her husband and one another son (respondent No. 3) and nothing has come on record which could show that the senior citizens do not have enough financial resources of their own to live a dignified life, hence, the passing of the impugned orders dated 23.06.2016 and 20.03.2018 (Annexure P-5 & 7) directing the petitioner no. 1 to pay financial monthly assistance to his mother (respondent No. 2) and that too by ignoring the fact that the financial resources of the petitioner No. 1 are such that he is unable to take care of his own family, the said impugned orders dated 23.06.2016 and 20.03.2018 (Annexure P-5 & 7) cannot be sustained in the facts and circumstances of the present case. The directions given by the authorities concerned to petitioner no. 1 to pay the financial monthly assistance to his mother (respondent No. 2) is accordingly set-aside.

8. The present petition is allowed in above terms.

9. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

29.04.2025

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