

2025:PHHC:124735-DB

LPA-1884-2025 (O&M)
Date of Decision: 10.09.2025

Sarban Singh

...Appellant

Vs.

Addl. Deputy Commissioner-cum-Appellate Tribunal and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. Ramanpreet Singh, Advocate for the appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal is by the father, who is a senior citizen and is aggrieved by the judgment of the learned Single Judge dated 05.05.2025, whereby the learned Single Bench has refused to interfere with the order of the Appellate Authority declining to set aside the conveyance deed executed by the father in favour of his daughter.

2. Learned Single Bench has noticed the facts of the case, according to which, the appellant had transferred 5 Kanals of land in favour of his daughter, who is now a widow. The appellant had also transferred 20 Kanals of land in favour of his son, who happens to be the brother of the private respondent. Learned Single Bench has also noticed that the senior citizen is living with his son and not with the daughter. It is in this context

that the learned Single Bench has observed that the object of Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, would not be sub-served in the facts of the case inasmuch as the senior citizen is living with his son. The question of paying maintenance by the daughter to the appellant does not arise when the appellant is not living with her daughter but is living with his son. The observations made by the learned Single Bench in Paras No.8 to 10 of the impugned judgment are relevant and reproduced herein below:-

“8. It may be noticed that, a transfer deed wherein land has been transferred by senior citizen can only be cancelled in case, the ingredients/requisites of provisions of Section 23 of the 2007 Act are fulfilled. The said ingredients/ requisites of provisions of Section 23 of the 2007 Act are that the transfer of land by the senior citizen should be made by stipulating condition that a transferee will maintain transferor-senior citizen and that the transferor has subsequent to the transferee failed to maintain the transferor-senior citizen despite transfer of land in his/her favour.

9. In the present case, the petitioner (widow daughter of respondent No. 3-senior citizen) is already living in her matrimonial house whereas, the respondent No. 3-senior citizen is living with his son. The petitioner (widow daughter of respondent No. 3-senior citizen) was only given 5 kanals of the land whereas, 20 kanals of the land were given to the son of the respondent No. 3-senior citizen. The senior citizen (respondent No. 3) has raised a claim that he has not been maintained by the

petitioner (widow daughter of respondent No. 3-senior citizen) despite the fact that she was living in her matrimonial house. Nothing evident has come on record to show that as to how, the petitioner (widow daughter of respondent No. 3-senior citizen) who is living in her matrimonial house can maintain her father. Further nothing has come on record to show as to why, no such claim of maintenance is raised by respondent No. 3-Senior citizen against his son with whom the respondent No. 3-Senior citizen was living and has got 20 kanals of land from respondent No. 3-Senior citizen.

10. Totality of the circumstances show that the present litigation is at the instance of the brother of the petitioner who wants 5 kanals of land back that was given to the petitioner (widow daughter of respondent No. 3- senior citizen) by respondent No. 3-Senior citizen and that too only on the ground that the in-laws of the petitioner (widow daughter of respondent No. 3-senior citizen) have enough land.”

3. Though the learned senior counsel for the appellant submits that the judgment of the learned Single Bench fails to take note of the object of Section 23 of the Act, but we are not persuaded to accept such submission in view of the admitted factual scenario as per which the senior citizen is living with his son.

4. The failure on the part of the daughter to maintain the senior citizen would, therefore, not arise in the facts of the case.

5. In such circumstances, we do not find any reason to interfere with the well-reasoned judgment of the learned Single Bench. The appeal fails and is accordingly dismissed.

6. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10.09.2025

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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No