



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

**CWP-4769-2025**

**Date of Decision : 22-05-2025**

**DALER SINGH**

**.....Petitioner**

**VERSUS**

**SUB DIVISIONAL MAGISTRATE CUM MAINTENANCE  
TRIBUNAL AND ORS**

**.....Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present:     Mr. Amandeep Saini, Advocate  
                  for the petitioner.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1.           In the present petition, the grievance being raised by the petitioner is with regard to the impugned order dated 09.06.2022 (Annexure P-4) and 03.12.2024 (Annexure P-5) by which, the land transferred given by the respondent-Senior Citizen vide gift deed dated 28.04.2017 (Annexure P-1) was set aside so as to revert the property to the respondent-Senior Citizen. On 20.02.2025, the prayer was made that there is a likelihood of amicable settlement between the parties and respondent No.3 be called and on the said prayer, the petitioner submitted that he will deposit a sum of Rs.30,000/- with the Registry so that respondent-Senior Citizen can get the same and appear before this Court and further a sum of Rs.10,000/- will be deposited every month in the account of the Senior Citizen.

2.           Learned counsel for the petitioner submits that the said order has not been complied .Keeping in view the said that the undertaking given

before this Court has not been complied with, the order on merit is being passed by this Court.

3. As per the orders passed by the authorities exercising jurisdiction under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short "2007 Act"), the property was given by the Senior Citizen in favour of the petitioner. The petitioner is the nephew of the Senior Citizen. He is residing in Dubai but, despite the said transfer of the land in his favour, he failed to take care of the Senior Citizen, which led to filing of the claim petition by the Senior Citizen-respondent No.3 under Section 23 of the 2007 Act. After appreciating, all the facts and the evidences brought on record, a finding has been recorded that the Senior Citizen was not maintained despite the transfer of the land in his nephew's favour. On an appeal preferred by the petitioner, the order dated 09.06.2022 passed by the Tribunal was upheld on 03.12.2024 hence, the present petition.

4. Learned counsel for the petitioner submits that he is taking care of the Senior Citizen and the findings recorded by the Tribunal that the respondent No.3-Senior Citizen is not maintained by the petitioner, is incorrect.

5. Learned counsel for the petitioner submits that the order passed by the authorities exercising jurisdiction under the 2007 Act are contrary to the facts and evidences which had come on record.

6. I have heard learned counsel for the petitioner and has gone through the records of the present case with his able assistance.

7. Once, a finding has been recorded by the authorities exercising jurisdiction under the 2007 Act by appreciating the fact that the Senior

Citizen is not being maintained, no cogent facts has to be brought to the notice of this Court so as to prove that the orders passed by the authorities concerned exercising jurisdiction under the 2007 Act are perverse to the facts and evidences brought on record. Learned counsel for the petitioner has not been able to prove the same.

8. Further, an undertaking was given to this Court that a sum of Rs.30,000/- will be paid to the respondent No3-Senior Citizen along with a sum of Rs.10,000/- every month, which undertaking given by petitioner on 20.02.2025 has also not been complied with. This shows the Senior Citizen is not being taken care of by the petitioner and even the undertaking given before this Court so as to get interim order has not been complied with.

9. Learned counsel for the petitioner further submits that the petitioner is not in a position to pay the said amount though undertaking was given. This shows that there are no means with the petitioner to take care of the Senior Citizen.

10. The endeavour under the 2007 Act is to see that the Senior Citizen does not suffer prejudice to live a dignified life and is being maintained after the land is transferred by him.

11. In the facts and circumstances of the present case and the conduct of the petitioner that despite undertaking given to this Court, not even a single penny has been paid to the respondent no.3-Senior Citizen, no ground is made out for any interference by this Court in the facts and circumstances of the present case, especially when impugned orders dated 09.06.2022 (Annexure P-4) and 03.12.2024 (Annexure P-5) have not been show to be perverse to the facts and evidences on record.

12. Present petition stands dismissed.
13. Pending application, if any, also stands disposed of.

22-05-2025  
Sapna Goyal

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

NOTE: Whether speaking: YES  
Whether reportable: NO