



CWP-4819-2023 & connected case 1

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

(202) CWP-4819-2023  
Date of Decision : April 07, 2025

**Kulwant Kaur .. Petitioner**

**Versus**

**Appellate Authority Maintenance-cum- District Magistrate Fatehgarh  
Sahib and others .. Respondents**

(202-A) CWP-21380-2023

**Harjinder Kaur .. Petitioner**

**Versus**

**Appellate Authority Maintenance-cum- District Magistrate Fatehgarh  
Sahib and others .. Respondents**

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

Present: Mr. Manish Kumar Singla, Advocate, for the petitioner  
in CWP-4819-2023 and for respondent No.3  
in CWP-21380-2023.

Mr. Kamaljit Singh Brar, Advocate, for the petitioner  
in CWP-21830-2023 and  
for respondent No.3 in CWP-4819-2023.

Mr. Malkiat Singh, DAG, Punjab.

Mr. Swarn Tiwana, Advocate, for respondent No.4  
in CWP-4819-2023.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. By this common order, two writ petitions, one filed by the petitioner-senior citizen namely Kulwant Kaur and other filed by petitioner Harjinder Kaur against the same date order, which have been passed by the authorities in two different proceedings exercising jurisdiction under the

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Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as '2007 Act'), are being decided.

2. Learned counsel appearing on behalf of petitioner-senior citizen namely Kulwant Kaur submits that gift deeds dated 12.03.2021 and 27.07.2021 were not voluntary and were coercive hence, being the senior citizen, the remedy under 2007 Act was availed, which prayer has not been accepted by the authorities with regard to the gift deed dated 12.03.2021 executed in favour of petitioner-Harjinder Kaur though, on the same ground another gift deed dated 27.07.2021 has been set aside.

3. The similar is the argument of learned counsel for the petitioner- Harjinder Kaur that the transfer of two gift deeds was challenged by petitioner-senior citizen Kulwant Kaur whereas, only one has been accepted and other has been denied to the senior citizen hence, contradictory orders have been passed.

4. Learned counsel appearing on behalf of petitioner-Harjinder Kaur argues that as there is no relationship between petitioner-senior citizen Kulwant Kaur and Harjinder Kaur-the beneficiary of the gift deed, Kulwant Kaur could not have availed the remedy under 2007 Act so as to get the gift deed set aside hence, the impugned orders dated 11.04.2022 (Annexure P-2) and 25.01.2023 (Annexure P-5) which have been passed partly in the favour of petitioner-Harjinder Kaur and partly against her, are liable to be set aside as the same were passed without jurisdiction.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. To adjudicate the claim raised in present petitions, relevant provisions of the 2007 Act needs to be looked into. The definition of the



‘children’ and ‘relative’ has been given in Section 2 of the 2007 Act. The same are reproduced hereunder:-

*“2. Definitions*

*In this Act, unless the context otherwise requires -*

*a. "children" includes son, daughter, grandson and grand-daughter but does not include a minor*

*g. "relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death.”*

7. Keeping in view the above mentioned definition, it is clear that the proceedings under 2007 Act can only be initiated against the children or the relative and petitioner-Harjinder Kaur does not fit into the definition either of the children or of the relative so as to give the right to the senior citizen to claim the benefit of 2007 Act qua the gift deed executed by her in favour of petitioner Harjinder Kaur.

8. As learned counsel for the petitioner-Kulwant Kaur has not been substantiate the right of the petitioner-Kulwant Kaur to claim the benefit under 2007 Act, the impugned orders which have been passed by the authorities are without noticing the relevant provisions of 2007 Act, which is very unfortunate.

9. Once, an authority has been given power to adjudicate the lis between senior citizen and their children/relatives, the first thing which is to be adjudicated is whether, the claim raised by the senior citizen is maintainable against the respondents or not. In the present case, the authorities without even noticing the said fact, have allowed the claim of the senior citizen even though, there is no relationship of the petitioner-senior citizen namely Kulwant Kaur with that of Harjinder Kaur, who is the



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beneficiary of the gift deed. Hence, the impugned orders challenged in both the petitions are set aside.

10.            As petitioner Kulwant Kaur is raising a dispute that the gift deeds were not voluntary but were coercive, she can avail appropriate remedy before the Civil Court in case she intends to do so for redressal of her grievance qua the gift deed executed in favour of petitioner Harjinder Kaur.

11.            The present writ petitions are disposed of in above terms.

12.            A photocopy of this order be placed on the file of other connected case.

**April 07, 2025**  
*harsha*

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

Whether speaking/reasoned : Yes  
Whether reportable                      : No