



CWP-31400-2024

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

(216)

CWP-31400-2024

Date of Decision : 09.09.2025

Surjit Kaur

...Petitioner

Versus

The District Magistrate-cum-Deputy
Commissioner, Ferozepur, and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Swarn Tiwana, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
for respondents No.1 and 2.

Mr. Jagbir Singh, Advocate
Mr. R.K. Malik, Advocate and
Ms. Jaskirat Kaur, Advocate
for respondents No.3 to 5.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a challenge is thrown to the orders dated 28.08.2024 (Annexure P-9), passed by the respondent No.1, as well as order dated 12.09.2023 (Annexure P-7), passed by the respondent No.2, *quasi* judicial authority, while exercising the powers vested with them under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter to be referred as 'the Act of 2007').

2. The petitioner has preferred an application under Sections 23 and 24 of the Act of 2007, against her three daughters, i.e. respondents No.3 to 5. In the application (*supra*), the petitioner has prayed for cancellation of



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the transfer deed executed by her, in favour of her three daughters. Further, the petitioner has prayed that respondents No.3 to 5, be directed to pay Rs.20,000/- per month, for her maintenance.

3. The facts, which are essential to gauge the validity of the impugned orders, are recorded hereinafter.

4. The petitioner has three daughters and one son namely, Palwinder Singh (since deceased), who was married with Jaspal Kaur, and out of the said wedlock, one daughter was born, who is stated to be handicapped. The petitioner has transferred the land measuring 22 Kanals 18 Marlas, situated in the village Malwal Jadid, Tehsil and District Ferozepur, in favour of her three daughters, i.e. the respondents No.3 to 5, vide transfer deed dated 30.07.2022, in equal share. It was pleaded in the application that after execution of the transfer deed, in question, the behaviour of the daughters was totally changed. Neither, they took care of the petitioner, nor gave any amount for her maintenance, and therefore, she is now living at the mercy of her daughter-in-law, and she has no source of income except the land.

5. The said application was duly replied by all three daughters of the petitioner i.e. the respondents No.3 to 5, and a specific stand was taken by the daughters therein, that after the demise of their brother, the petitioner started residing with her daughters, as earlier, the daughter-in-law has thrown the petitioner out from her house, and thereafter, the daughters were maintaining the petitioner with them, turn-by-turn, and were taking care of their mother. They were also fulfilling her basic needs, and were providing food and medicines etc. to her. On account of the services rendered by her



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daughters, and out of love and affection, the petitioner has executed the transfer deed dated 30.07.2022.

6. Furthermore, a specific stand was taken by the daughters/respondents No.3 to 5, that they are still ready and willing to maintain their mother. In the reply, it was specifically mentioned that in the month of March, 2022, due to fracture in her arm, she was got treated from a private hospital, and all the expenses incurred therein, were born by the daughters/respondents No.3 to 5, jointly. The issue arose only when the petitioner has started residing with her daughter-in-law, and now, at the behest of daughter-in-law, the instant application has been filed, by concocting a false story. It was also brought on record that the petitioner has also transferred the land measuring 7 Kanals 5 Marlas and 6 Sarsahies, in favour of her daughter-in-law, Jaspal Kaur.

7. Learned counsel for the petitioner submits that the observation of the learned Tribunal concerned, to the effect, that there is no recital in the transfer deed, that the said transfer deed, on account of maintaining the petitioner, would not disentitle the petitioner, to seek cancellation thereof. It has to be gathered from the circumstances, as to whether, the said transfer deed was executed for the purpose (supra).

8. To lend vigour to his arguments, learned counsel for the petitioner has placed reliance upon the Division Bench judgment passed by the Hon'ble Supreme Court in *Civil Appeal No.174 of 2021*, titled '*Sudesh Chhikara versus Ramti Devi and another*', decided on 06.12.2022, and the latest judgment passed by the Single Bench of Karnataka High Court in case titled '*Smt. Shoba versus Dr. Anil P. Kumar and others*', decided on 29.07.2024.



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9. On the other hand, learned counsel for the respondents No.3 to 5, has made a collective submission before this Court, that the petitioner has divided the land/property, in equal share, in favour of her daughter-in-law, as well as her daughters. The respondents No.3 to 5, were earlier maintaining their mother, and they are still ready and willing to maintain her. He further submitted that the family property dispute cannot be settled, by filing an application under Sections 23 and 24 of the Act of 2007.

10. This Court has considered the rival submissions made by learned counsels for the parties concerned, and has gone through the paper book and the available record.

11. There is no wrangle with regard to the legal propositions as laid down, in the judgments (supra).

12. In the instant case, the petitioner/mother has already transferred the land/property to all the legal heirs, in equal shares. There is nothing on record to substantiate that the daughters have ever maltreated or misbehaved with the petitioner, or has even refused to maintain their mother. In absence of any positive evidence, in this regard, both the authorities i.e. the learned Maintenance Tribunal, and the learned Appellate Authority concerned, has rightly denied the relief of cancellation of the transfer deed, in question.

13. Now the issue, which arises for consideration is, as to whether, the maintenance awarded to the petitioner, by the authorities (supra), is sufficient or not? The learned Maintenance Tribunal, vide order dated 12.09.2023 (Annexure P-7), has awarded Rs.5,000/- per month, to be paid by all the three daughters (respondents therein), collectively, which was enhanced by the learned Appellate Authority concerned, to Rs.9,000/- per month i.e. Rs.3,000/-, by each respondent.

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14. Learned counsel for respondents No.3 to 5, fairly submits before this Court, that they would have no objection, in case, the amount of maintenance is further enhanced, enabling their mother to live a comfortable life. It is not under dispute that the petitioner/mother, is living with her daughter-in-law, therefore, her necessity of the house is not in question.

15. Considering the totality of the facts and circumstances of the instant case, this Court, is of the considered opinion that each daughter is required to pay maintenance of Rs.4,000/- per month, and the enhanced maintenance shall be paid from today itself. In case, there are any arrears with regard to the maintenance part, as awarded by the learned Maintenance Tribunal, and the learned Appellate Authority concerned, the same shall be cleared within a period of three months, from the date of passing of this order.

16. It goes without saying that in case, the said arrears are not cleared within the stipulated period, and a lapse thereof, occurs on the part of the daughters, i.e. the respondents No.3 to 5, in depositing the maintenance amount, in the bank account of the petitioner, she would be at liberty to get the instant writ petition revived.

17. With the aforesaid observations, the instant writ petition is **disposed of.**

(KULDEEP TIWARI)
JUDGE

September 09, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No