

LPA-873-2025 (O&M)

2025:PHHC:051936-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-873-2025 (O&M)
Date of decision: 22.04.2025

PARVESH KUMAR SHARMA Appellant(s)
Versus

**THE APPELLATE AUTHORITY-CUM-ADDITIONAL DEPUTY
COMMISSIONER, KHANNA CAMP AT LUDHIANA AND OTHERS**
..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Pritpal Singh Miglani, Advocate
counsel for appellant.

LISA GILL, J.

CM-2182-LPA-2025

Heard.

For reasons mentioned in the application and arguments addressed,
delay of 5 days in filing of this appeal is condoned.

Application is disposed of accordingly.

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1. Prayer in this appeal is for setting aside order dated 13.01.2025,
passed by learned Single Bench whereby CWP-9571-2018, filed by present
appellant-writ petitioner has been dismissed.

2. Brief facts necessary for adjudication of the matter are that vide
impugned order dated 13.01.2025 three writ petitions had been decided as all of
them, it was stated, involved the same question of law on similar facts. CWP-
9571-2018 was filed by present appellant-writ petitioner for setting aside order
dated 27.12.2016 whereby petition under Section 23 of Maintenance and Welfare

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of Parents and Senior Citizens Act, 2007, was dismissed. Order dated 15.12.2017, passed by appellate authority whereby said order was upheld, was also subject matter of challenge. It is the case of appellant-writ petitioner that property in question where admittedly a school is being run by him and his son, was transferred in favour of his son vide sale deed dated 07.01.2016. This property was then transferred by his son in favour of his wife i.e. daughter-in-law of appellant. He pleaded that appellant was induced by his son to get the property transferred in his name with a promise that he would look-after the appellant and provide basic amenities of life to him. However, his son and daughter-in-law did not provide proper maintenance and amenities of life to him as promised. Appellant's son admitted the claim set up by his father. Presiding Officer came to the conclusion that transferred property is not residential in nature but a school is being run from the premises by appellant and his son, with income of the school being taken by them. It was concluded that there was no material on record to indicate that transfer deed was executed by appellant by way of fraud. In fact, appellant and his son were found to have connived with each other to deprive respondent no.4 i.e. daughter-in-law of appellant of her rights, in view of matrimonial dispute with appellant's son. Appeal was also dismissed.

3. Learned Single Bench while considering the facts and circumstances, concluded that though property stands in the name of respondent no.4, it is admittedly in possession of appellant and his son. The fruits of property were concededly being enjoyed by appellant and his son with an admitted matrimonial dispute between the son and daughter-in-law of appellant. It is further observed that appellant is living in his own house independently, with income generated from the school being taken by him and there is nothing on record to indicate as to how he is not being maintained and his basic needs not taken care of.

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4. Learned counsel for appellant vehemently argues that impugned order dated 13.01.2025 has been incorrectly passed while dismissing the writ petition filed by appellant, however, is he unable to deny the fact of appellant residing independently in his own home and also deriving benefit of income generated from the school, possession of which is admittedly with the appellant and his son.

5. Keeping in view the factual matrix as above, we do not find any ground to interfere in this matter. Impugned orders have been correctly passed in accordance with law, which are accordingly upheld.

6. No other argument has been addressed.

7. Keeping in view the facts and circumstances as above, this appeal is accordingly dismissed with no order as to cost.

8. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

22.04.2025

Sunil

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