



2026:PHHC:073893-DB



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**CM-3096-LPA-2026 & CM-3095-LPA-2026 in/and
LPA-1271-2026**

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

(108)

**CM-3096-LPA-2026 &
CM-3095-LPA-2026 in/and
LPA-1271-2026
Date of Decision : May 12, 2026**

Manjit Kaur

.. Appellant

Versus

Harminder Singh and others

.. Respondents

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

Present: Mr. G.S. Kaura, Advocate, for the appellant.

Mr. Aditya Dassaur, Advocate, for caveator/respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-3096-LPA-2026

Present application has been filed seeking condonation of delay of 21 days in filing the appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 21 days in filing the appeal is condoned.

CM-3095-LPA-2026

As prayed for, the application is allowed.

LPA-1271-2026

1. In the present Letters Patent Appeal, the challenge is to the order dated 24.02.2026 passed by the learned Single Judge in CWP No.24707-2024 by which, the order dated 24.07.2024 passed by the



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authorities exercising jurisdiction under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act') wherein, a direction was given to the respondents herein to revert the property back to the senior citizen, has been set aside.

2. Learned counsel appearing on behalf of the appellant-senior citizen submits that the respondent No.1, who is living in Austria, is not taking care of the appellant-senior citizen, which is a ground enough for her to get the property back under Section 23 of the 2007 Act, which fact has not been appreciated by the learned Single Judge so as to set aside the order passed by the Tribunal whereby, direction was given to the respondent-son to revert the property back to the appellant-senior citizen.

3. Learned counsel for the appellant-senior citizen further submits that the conditions stipulated under Section 23 of the 2007 Act so as to get the property back in her favour have already been shown to have been fulfilled before the learned Single Judge but still, the same has not been taken into account while declining the benefit of reversion of property in her favour.

4. Notice of motion.

5. Mr. Aditya Dassaur, Advocate has put in appearance on behalf of respondent No.1 and filed his vakalatnama. The same is taken on record.

6. Learned counsel for respondent No.1, who is on caveat, submits that the argument raised that all the conditions stipulated under Section 23 of the 2007 Act are fulfilled so as to entitle appellant to get the property back is incorrect and therefore, the impugned order dated 24.02.2026 passed by the learned Single Judge is perfectly valid and further,



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no evidence has been brought on record by the appellant-senior citizen to show that the appellant was not being taken care of by respondent No.1, which is one of the conditions stipulated in Section 23 of the 2007 Act, which needs to be proved, which has not been done in present case hence, no entitlement to revert property in her favour exists.

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

8. The Section 23 of the 2007 Act under which, the application for reversion of property was filed by the appellant which was accepted by the authorities exercising jurisdiction under 2007 Act, is as under:-

“ 23. Transfer of property to be void in certain circumstances.

(1) Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.

(2) Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

(3) If, any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to



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sub-section (1) of section 5.”

9. A bare perusal of the above would show that there are twin conditions which need to be fulfilled before the property is reverted back to the appellant-senior citizen. Firstly, there has to be a clause in the transfer deed that the transferee is required to maintain the senior citizen in lieu of such transfer as a consideration, and secondly that such condition so mentioned, is violated by making an averment to that effect in the petition filed under Section 23 of the 2007 Act, and proving the same by way of evidence.

10. In the present case, it is a conceded position that in the transfer deed by which property in question was transferred, there existed no such clause that the transferee is to maintain the transferor-senior citizen.

11. Further, even if said aspect is overlooked for the sake of it but still, as per the finding recorded by the learned Single Judge, even no evidence was brought before the Tribunal to show that the appellant-senior citizen was not being maintained or the senior citizen did not had mean to maintain herself. The said finding has not been rebutted by the learned counsel for the appellant even before the hearing today.

12. The only argument raised is that as respondent No.1 is residing in Austria, he is not taking care of the appellant-senior citizen.

13. On being asked whether, on the date when the property in question was transferred, the respondent No.1-son was living in India or not, learned counsel for the appellant concedes that the respondent No.1-son was living in Austria even at that time.



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14. Further, with regard to the issue of non-grant of maintenance to appellant-senior citizen, a finding has been recorded that even the senior citizen had moved to Austria and was living with the respondent No.1, and was getting pension from the Austrian Government, from which country she returned to come back to India.

15. Further, learned counsel for the appellant-senior citizen concedes that the property was distributed by way of family settlement between all children and one of the child has already reverted back the property in her favour which she has sold.

16. This shows that the effort being made presently is just to get the property back from respondent No.1 so as to give the same to other children. The property was not transferred by the appellant under the 2007 Act, so as to entitle her for maintenance but as per the family settlement entered into between the children. Hence, in the facts and circumstances, the finding recorded by the learned Single Judge that the conditions stipulated under Section 23 of the 2007 Act has not been fulfilled so as to set aside the impugned order passed by the Tribunal exercising jurisdiction under 2007 Act, has not been proved to be perverse either on facts or on law.

17. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

18. Accordingly, the appeal is dismissed.

**(HARSIMRAN SINGH SETHI)
JUDGE**

May 12, 2026
harsha

**(DEEPAK MANCHANDA)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No