IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20761 of 2026 (O&M)

NAKSHATRA SINGH AND OTHERS

...Petitioners

Versus

THE DEPUTY COMMISSIONER AND OTHERS

...Respondents

1	The date when the judgment is reserved	11.09.2026
2	The date when the judgment is pronounced	08.10.2026
3	The date when the judgment is uploaded on the website	09.10.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	N.A.

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Argued by: Mr. Paras Money Goyal, Advocate,
Mr. Mohit Garg, Advocate and
Mr. Vipul Sharma, Advocate for the petitioners.

Mr. Himanshu Arora, Addl. Standing counsel and
Mr. Divyanshu Kaushik, Junior Standing counsel for UT, Chandigarh.

Mr. Sandeep Singh Majithia, Advocate for
Mr. G.S. Majithia, Advocate for respondent No.3/caveator.

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KIRTI SINGH, J.

1. The petitioners have invoked the jurisdiction of this Court under Articles 226 and 227 of the Constitution of India seeking a writ in the nature of certiorari for quashing the order dated 11.05.2026 (Annexure P-37) passed by the Additional Deputy Commissioner-cum-Maintenance Tribunal, U.T. Chandigarh (respondent No.2), whereby, on an application preferred by respondent No.3 Smt. Balbir Kaur under the Maintenance and Welfare of

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Parents and Senior Citizens Act, 2007 (hereinafter "the Act"), the Transfer Deed bearing Sr. No.6641 dated 08.02.2012 executed by respondent No.3 in favour of petitioner No.1 and the subsequent Transfer Deed bearing Sr. No.504 dated 24.04.2012 executed by petitioner No.1 in favour of petitioner No.2, each relating to a 50% share in House No.3345, Sector 35-D, Chandigarh, have been declared void under Section 23 of the Act and the petitioners have been directed to vacate the premises, as also the order dated 16.06.2026 (Annexure P-43) passed by the Deputy Commissioner-cum-Appellate Authority, U.T. Chandigarh (respondent No.1), dismissing the appeal of the petitioners.

2. The admitted facts, shorn of unnecessary detail, are that House No.3345, Sector 35-D, Chandigarh was purchased by respondent No.3 in the year 1989. Petitioner No.1 Nakshatra Singh is her son, who resides at Pili Banga, District Hanumangarh, Rajasthan. Petitioner No.2 Ravi Soni is her grandson, petitioner No.3 is his wife and petitioner No.4 is their daughter. The other two surviving children of respondent No.3, namely a son and a daughter, Smt. Nakshatra Kaur alias Farrah Chaudhary, are settled in Canada.

3. It is the case of the petitioners that in the year 2002, as a measure of family arrangement, petitioners No.2 and 3 shifted from Rajasthan to the house in question to look after respondent No.3, and that on 07.03.2003 respondent No.3 executed a registered General Power of Attorney (Annexure P-5) and a registered Will (Annexure P-6) in favour of petitioner No.2 in respect of the said house. On 08.02.2012 respondent No.3 transferred a 50% share in the house to petitioner No.1 by way of a registered transfer deed (Annexure P-7), and on 24.04.2012 petitioner No.1

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in turn transferred that share to his son, petitioner No.2 (Annexure P-8). The remaining 50% share was transferred by respondent No.3 in favour of her daughter by way of a transfer deed dated 12.05.2023 (Annexure P-34). During her visit to India between September and November, 2025, the daughter of respondent No.3 instituted a suit for partition and permanent injunction, a suit for recovery of her share of the rent and contempt proceedings against petitioner No.2 (Annexures P-9 to P-11), and an interim order came to be passed in her favour on 28.10.2025 (Annexure P-12). Around the same time, on 29.09.2025, respondent No.3 moved an application under Sections 21, 22 and 23 of the Act before respondent No.2 (Annexure P-35), seeking protection of her life and a declaration that the transfer deeds dated 08.02.2012 and 24.04.2012 are void, alleging that she had been neglected and ill-treated. The petitioners contested the application by filing a reply (Annexure P-36).

4. Respondent No.2, vide order dated 11.05.2026, rejected the preliminary objection that respondent No.3, being an Overseas Citizen of India cardholder, could not invoke the Act, held that the transfers had been made subject to an implicit condition of maintenance and care which stood breached, declared both the transfer deeds void, directed the petitioners to vacate the house within thirty days, and further directed the Station House Officer concerned to depute a Sub Inspector of Police to visit respondent No.3 fortnightly to ensure the protection of her life and property. The appeal preferred by the petitioners (Appeal No.12 of 2026) was dismissed by respondent No.1 on 16.06.2026, holding that the order of the Tribunal did not suffer from any patent illegality or perversity.

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5. Learned counsel for the petitioners has contended that both the authorities below have fallen into grave error in invoking Section 23(1) of the Act when the transfer deed dated 08.02.2012 executed by respondent No.3 contains no condition whatsoever that the transferee would provide basic amenities and basic physical needs to her, and that the deed was executed purely out of love and affection in favour of her real son. Relying upon the judgment of the Hon'ble Supreme Court in ***Sudesh Chhikara v. Ramti Devi and another, Civil Appeal No.174 of 2021, decided on 06.12.2022,*** as also upon the judgments of this Court in ***Santosh v. State of Haryana (CWP No.39 of 2023, decided on 04.11.2025)***, ***Tilak Raj v. State of U.T. Chandigarh (CWP No.414 of 2025, decided on 13.11.2025), and Jeet Singh v. State of Punjab and others (LPA No.2636 of 2025, decided on 02.09.2025),*** he has argued that the existence of such a condition is the very foundation of a claim under Section 23(1) and in its absence the Tribunal had no jurisdiction to declare the transfer void.

6. It has further been contended that, even otherwise, there was no evidence of any refusal or failure to maintain respondent No.3; that petitioners No.2 and 3 have been residing with and looking after respondent No.3 for about twenty-four years, including during her surgeries in the years 2014 and 2017 and her hospitalisation on 11.05.2026, for which petitioner No.2 deposited Rs.40,500/- (Annexure P-46); that photographs of family functions and occasions spanning 2021 to November, 2025 (Annexures P-14 to P-32) and the rent receipts reflected in the pen drive placed before the Tribunal were not even considered; and that the police complaints relied upon by respondent No.3 are dated 29.11.2025 and 15.01.2026, i.e. after the filing of her application. Learned counsel has also urged that respondent

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No.3 is a Canadian citizen in receipt of a pension from the Government of Canada and is thus financially independent, that the finding that the transfer in favour of petitioner No.2 was without her knowledge is belied by the registered General Power of Attorney and Will of 2003 executed by her in favour of petitioner No.2, and that the proceedings under the Act are, in substance, a proxy litigation initiated at the behest of her daughter, who has already obtained the other 50% share in the house and has instituted civil proceedings for partition and rent.

7. Per contra, learned counsel for respondent No.3 has supported the impugned orders. It has been submitted that the petitioners have themselves admitted that the house was purchased by respondent No.3 in the year 1989 and that the 50% share was transferred to petitioner No.1 without any consideration on account of blood relationship, and that respondent No.3, being a parent and a senior citizen, is therefore entitled to claim her property back under the provisions of the Act. It has been argued that respondent No.3 transferred the share to petitioner No.1 on his assurance that he would take care of her in her old age, that the share was later transferred to petitioner No.2 without her consent, and that the family of petitioner No.2 neglected and mistreated her, denied her proper food, pressured her to transfer the remaining share of the house, occupied the larger portion of the house and let out its first and second floors while collecting the rent, and that petitioner No.2 forged her signature in bank papers and withdrew money, for which she has lodged a police complaint, and that petitioners No.2 and 3 had taken money from her and utilised it to send their son abroad. It has further been submitted that petitioner No.1, who is the main party to the transaction, neither filed a reply nor contested the proceedings before the Tribunal and

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that his silence amounts to an admission of the allegations. Learned counsel has prayed for the dismissal of the writ petition.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. By order dated 13.07.2026, the parties were directed to appear before the Mediation and Conciliation Centre of this Court on 14.07.2026. However, as per the report received from the Mediation and Conciliation Centre of this Court, the matter could not be settled between the parties and accordingly this petition is being decided on its own merits.

10. The controversy in the present case essentially lies within a narrow compass. Section 23(1) of the Act contemplates two conditions which must co-exist before a transfer can be declared void: first, that the transfer by the senior citizen was made subject to a condition that the transferee would provide basic amenities and basic physical needs to the transferor; and second, that the transferee thereafter refused or failed to provide such amenities and physical needs.

11. The Hon'ble Supreme Court in ***Sudesh Chhikara v. Ramti Devi and another, Civil Appeal No.174 of 2021, decided on 06.12.2022***, has held that the existence of such a condition is a sine qua non for invoking Section 23(1), and that where such a condition is alleged, its existence has to be established before the Tribunal. What weighed with the Hon'ble Supreme Court in that case was that it had not even been pleaded that the release deed in question was executed subject to a condition of the kind contemplated by the provision. The said judgment, therefore, insists that the condition be pleaded and proved; it nowhere holds that the condition must find expression in the instrument of transfer itself. The inquiry is into the bargain between

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the parties, and not merely into the paper on which the transfer came to be recorded.

12. Any lingering doubt on this score is set at rest by the subsequent judgment of the Hon'ble Supreme Court in ***Urmila Dixit v. Sunil Sharan Dixit and others, 2025 INSC 20***, decided on 02.01.2025. The Hon'ble Supreme Court reiterated that the Act is a beneficial legislation, enacted to secure simple, speedy and inexpensive remedies to the elderly, and that its provisions, Section 23 included, must receive a liberal construction which advances rather than defeats its object. Significantly, in determining whether the transfer in that case was conditional, the Hon'ble Supreme Court did not confine itself to the four corners of the gift deed, but looked also to the undertaking executed by the son. It further held, following ***S. Vanitha v. Deputy Commissioner, Bengaluru Urban District and others***, that the Tribunals constituted under the Act may order eviction and restoration of possession where it is necessary and expedient for the protection of the senior citizen.

13. In the same vein, a Division Bench of the Delhi High Court in ***Varinder Kaur v. Daljit Kaur (LPA No.587 of 2025, decided on 26.09.2025***) has held that a gift deed executed by a senior citizen in favour of a relative can be declared void upon the failure of the transferee to provide basic amenities and physical needs, even where the condition is not expressly stated in the deed. The question in every case, therefore, is not whether the condition is recited in the deed, but whether it has been pleaded and established on the material before the Tribunal.

14. Tested on that anvil, the challenge cannot succeed. Respondent No.3 specifically pleaded in her application that, of her three children,

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petitioner No.1 alone was in India, that he had assured her that he would look after her in her old age, and that it was in reliance upon that assurance that she transferred her 50% share in the house to him without any consideration. This, then, is not a case, as in ***Sudesh Chhikara (supra)***, where the condition was not even pleaded. The assurance was attributed to petitioner No.1, and he alone could have denied it. Yet it is not in dispute that petitioner No.1, though a party to the proceedings before the Tribunal, neither filed a reply nor contested the application, and the assurance attributed to him has thus stood unrebutted. Petitioners No.2 and 3, who were strangers to the transaction of 08.02.2012, were in no position to controvert what passed between a mother and her son. The pleaded case of respondent No.3 also draws support from the circumstances attending the transfer. It was made by a widow in her eighties, without any consideration, in favour of the only one of her children who was then resident in India, at a stage of life when she was dependent upon her family for her day-to-day care. Tellingly, even the plaint instituted by her daughter in the suit for partition (Annexure P-9) records that the transfer was made in good faith, with the hope and belief that petitioner No.1 would take care of respondent No.3 in her old age.

15. The Act does not require an aged parent to have negotiated with her own son as she would with a stranger, or to have reduced into writing what the relationship between them took for granted. A son's word to his mother does not cease to bind merely because it was never engrossed on stamp paper. The finding of the Tribunal that the transfer was subject to a condition of maintenance and care is, therefore, one founded upon pleading

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and material, and not a presumption drawn merely from the relationship between the parties.

16. Nor does the recital of love and affection in the transfer deed dated 08.02.2012 (Annexure P-7) advance the case of the petitioners. Love and affection is the customary, and indeed the only, consideration recited in transfers between near relatives, and it explains no more than why the transfer was made without monetary consideration. It neither excludes the condition upon which the transfer was made, nor licenses the transferee to keep the gift while discarding the obligation which induced it. Love and affection may be the language of the deed, but care was the currency of the bargain. To hold that a bare recital in a standard form deed defeats the protection of Section 23(1), notwithstanding a specific and unrebutted plea of the condition, would be to defeat the very object which the Hon'ble Supreme Court in ***Urmila Dixit (supra***) has emphasised.

17. On the second condition, the authorities below have concurrently found that the petitioners failed to provide the care for which the transfer was made and instead subjected respondent No.3 to neglect and harassment. Respondent No.3, now 97 years of age, was personally present before the Appellate Authority and stated that she wanted her property back as petitioner No.1 and the other petitioners had failed to maintain her at the fag end of her life, and that she apprehended a threat to her life and property at their hands. It was her case before the authorities below, as recorded in the impugned order, that she has been confined to a single room while petitioner No.2 occupies the larger portion of the house and has let out its first and second floors; that when she sought to change the locks of her room, the petitioners misbehaved with her and she was compelled to call the police

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helpline, whereupon the police directed them not to enter her room; and that she has lodged complaints before the Senior Superintendent of Police and the NRI Wing. The petition itself acknowledges that respondent No.3 occupies one bedroom on the ground floor, that the upper floors have been let out, and that the police had to be called to the house over the changing of locks. That some of the complaints came to be lodged after the institution of the proceedings does not render them irrelevant; it only shows how far the relationship had deteriorated, when a senior citizen was driven to seek the protection of the police in her own house. The photographs of family occasions relied upon by the petitioners, the authenticity and circumstances of which respondent No.3 has disputed, and the payment of hospital charges on a single occasion, do not compel a contrary conclusion. A photograph may capture a moment of togetherness; it cannot certify a relationship of care. The test under Section 23(1) is not whether the senior citizen was occasionally taken to a function or a hospital, but whether the basic amenities and physical needs which formed the basis of the transfer were provided to her with the dignity which the Act seeks to secure. It is equally no answer for the petitioners that respondent No.3 receives a pension and is financially independent. Section 23(1) is not founded upon the inability of the senior citizen to maintain herself, which is the requirement for a claim for maintenance under Section 4 of the Act. It is founded upon the breach of the condition upon which the transfer was made, and the basic amenities and physical needs contemplated by the provision comprehend care, attention and a life of dignity, and not merely money. Dignity in old age is not measured by the size of a pension.

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18. These are findings of fact concurrently recorded by the Tribunal and the Appellate Authority upon appreciation of the material before them. In the exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India, this Court does not sit as a Court of appeal over such findings, nor does it reappreciate the evidence to substitute its own view merely because another view may be possible. Interference is warranted only where the findings are perverse, rest on no evidence, or suffer from a patent error of law, and no such infirmity has been demonstrated in the present case.

19. The challenge to the declaration in respect of the transfer deed dated 24.04.2012 fares no better. Petitioner No.2 derived his title solely from petitioner No.1 under that deed, executed barely two and a half months after the transfer by respondent No.3, in favour of the son of the transferee who was himself residing in the very house with the senior citizen. A transferee cannot pass a better title than he holds, and once the transfer dated 08.02.2012 is held to be void under Section 23(1), the derivative transfer dated 24.04.2012 cannot survive. Section 23 would otherwise be rendered illusory, for any transferee could defeat the protection of the Act by the simple expedient of passing the property on to his own son. What the son could not have kept, he could not hand down; the obligation travels with the property it secured. The reliance placed by the petitioners upon the General Power of Attorney and the Will executed by respondent No.3 in the year 2003 does not advance their case either. A Will is ambulatory and speaks only upon the death of the testator, and a General Power of Attorney executed for the management of the property nine years earlier does not by

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itself signify the consent of the senior citizen to a transfer subsequently made by another person.

20. The plea that the proceedings were instituted at the behest of the daughter of respondent No.3 has rightly been rejected by the authorities below. Even if the daughter has assisted respondent No.3 in approaching the Tribunal, the grievance remains that of the senior citizen, who has personally appeared and reiterated it before the Appellate Authority. A senior citizen does not forfeit the protection of the Act because a member of her family has helped her to invoke it. The transfer of the remaining 50% share in the house by respondent No.3 to her daughter in the year 2023 is, moreover, consistent with her own case that she did so to prevent its misuse, and does not detract from her entitlement to seek relief in respect of the share transferred to petitioner No.1.

21. The objection regarding the maintainability of the application on account of respondent No.3 being an Overseas Citizen of India cardholder was considered and rejected by the Tribunal. The petitioners have, in any event, not placed before this Court any document regarding the citizenship of respondent No.3, and have themselves described her in the petition variously as a Canadian citizen and as a British citizen. A plea of want of jurisdiction founded on a question of fact must at least be founded on a consistent case and some material in support, and in the absence of either, this Court finds no ground to interfere with the finding of the Tribunal on this aspect.

22. That leaves the direction for eviction. The Hon'ble Supreme Court in ***Urmila Dixit (supra),*** following ***S. Vanitha (supra),*** has recognised that the Tribunals under the Act may order eviction and restoration of possession where it is necessary and expedient to ensure the protection of the

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senior citizen, and the Chandigarh Maintenance of Parents and Senior Citizens (2nd Amendment) Rules, 2017, noticed by the Appellate Authority, empower the Tribunal to pass eviction orders against children or relatives in favour of senior citizens. Where, as here, the senior citizen has been confined to a single room in her own house, has been obliged to seek police assistance, and has expressed an apprehension to her life and property from those residing with her, the direction for eviction can neither be said to be unwarranted nor disproportionate. The Act was not enacted to make a parent a tenant of her own generosity. This Court is, at the same time, conscious that petitioners No.2 and 3 have resided in the house for a considerable period and that petitioner No.4 is a student, and has accordingly afforded them reasonable time hereinafter. Their competing claims as against the daughter of respondent No.3 in respect of the remaining share, and all other questions of title inter se between them, are the subject matter of civil proceedings and are left open to be determined by the competent forum. The direction for eviction is not dependent upon those proceedings, and is sustained as a measure for the protection of respondent No.3.

23. The petitioners were given a share in the house so that respondent No.3 might continue to have a home in it. Having kept the house and forgotten its purpose, they cannot now hold up the deed as a shield against the very person whose care was its price. For the aforesaid reasons, this Court finds no illegality, perversity or jurisdictional error in the order dated 11.05.2026 (Annexure P-37) passed by respondent No.2 or in the order dated 16.06.2026 (Annexure P-43) passed by respondent No.1, warranting interference in the exercise of writ jurisdiction.

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24. Accordingly, the present writ petition is dismissed. The orders dated 11.05.2026 (Annexure P-37) and 16.06.2026 (Annexure P-43) are upheld.

25. Keeping in view the long residence of petitioners No.2 to 4 in the house in question, they are granted a period of ninety days from today to vacate the premises, subject to their furnishing an undertaking before respondent No.2 within two weeks that they shall vacate within the said period and shall not, in the meantime, cause any obstruction or interference in the residence of respondent No.3 or create any third-party rights in the property. In default, the directions issued by the authorities below for securing vacant possession shall be given effect to forthwith.

26. It is clarified that the observations made hereinabove are confined to the adjudication of the present writ petition and shall not be construed as an expression of opinion on the merits of the civil proceedings pending between the daughter of respondent No.3 and petitioner No.2, which shall be decided on their own merits.

27. Pending miscellaneous application(s), if any, shall also stand disposed of.

(KIRTI SINGH)
JUDGE

Pronounced on : 08.10.2026.
SwarnjitS

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

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