

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

CWP No.22913 of 2016
Date of Decision:-07.11.2016

Darshan Singh

..... Petitioner

Vs.

Deputy Commissioner-Cum-Appellate Authority and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Vikas Mehsempuri, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is the father of respondent No.3, whose application, filed before the Maintenance Tribunal under the provisions of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 [for short 'the Act'] was dismissed and the appeal maintainable against that order, filed by the petitioner, was withdrawn by him on 25.11.2014, in order to file a civil suit whereas the civil suit was not maintainable in view of Section 27 of the Act.

The issue thus, would be as to whether the petitioner could be allowed to challenge the order passed by the Maintenance Tribunal by way of the present writ petition against which statutory appeal was available, filed but withdrawn by the petitioner?

The answer is in negative as the petitioner has the statutory remedy of appeal before the Appellate Tribunal against the order of the Maintenance Tribunal which he had availed and withdrawn and hence, the order passed by the Tribunal attained finality which cannot be challenged in the writ jurisdiction. Hence, the present petition is hereby dismissed on this score alone.

07.11.2016
Vivek

(RAKESH KUMAR JAIN)
JUDGE

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