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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7820/2016

POONAM SYAL

..... Petitioner

Through: Mr. Manish Vashisht with  
Mr. Sameer Vashisht, Advs.

Versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Sanjeev Narula, CGSC with  
Mr. Sunil Dalal & Mr. Ajay Kalra, Advs. for UOI.  
Mr. R.A. Iyer for Mr. Gautam Narayan, ASC for  
R-2/GNCTD.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL**

**ORDER**

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**05.09.2016**

**CM Nos.32316/2016 (exemption) & 32318/2016 (exemption)**

Allowed, subject to all just exceptions.

**W.P.(C) No.7820/2016 & CM No.32317/2016 (stay)**

1. This petition has been filed with a prayer to declare Section 17 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act') as ultra vires and unconstitutional.
2. Section 17 of the Act provides that notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.

3. It is pleaded in the petition that the respondent No.3 herein who is the father of the writ petitioner filed a petition under Section 23 of the Act in which the petitioner desired to be represented by a legal practitioner. It is pleaded that though she filed an application seeking permission of the Tribunal to be represented by a legal practitioner in the proceedings, the Tribunal had declined to entertain the same in view of the bar under Section 17 of the Act. Hence, the present petition.

4. We have heard the learned counsel for the petitioner and the learned counsels for respondent Nos.1 and 2 who appeared on advance notice.

5. It is brought to our notice that the issue sought to be raised by the petitioner is no longer res integra in view of the decision of a Division Bench of High Court of Punjab and Haryana in ***Paramjit Kumar Saroya v. The Union of India and Another*** and ***Amanpreet and Another v. The Union of India and Others***; MANU/PH/0765/2014 wherein it has been concluded as under:

"51. We, thus, conclude on the provisions of the Acts as under:-

(i) We would request the Central Government to have a re-look into the provisions of the said Act in view of our observations aforesaid, moreso in the context of Section 30 of the Advocates Act.

(ii) The right to appeal is conferred on a party aggrieved under Section 16 of the said Act.

(iii) Section 17 would not come in the way of legal representation on behalf of parties post 15.06.2011 in view of Section 30 of the Advocates Act having come into force."

6. Similar view has been expressed by a Division Bench of this Court in ***Punjab National Bank & Ors. v. Kingfisher Airlines Limited & Ors.***; **2016 (154) DRJ 164 [DB]** while considering the question whether a person who is proposed to be classified as a wilful defaulter by a Bank/financial institution and who has availed the opportunity to be heard by the Grievance Redressal Committee of the said Bank has a right to be represented by an Advocate in the said hearing.

7. We are therefore of the view that the request of the petitioner to be represented by a legal practitioner needs consideration by the Tribunal constituted under the Act in the light of the law laid down in the above-noticed decisions.

Accordingly, the writ petition is disposed of with a direction to the Tribunal constituted under the Act to consider the application of the petitioner in the light of the law laid down in the above-noticed decisions and pass an appropriate order in accordance with law.

Dasti under the signatures of the Court Master.

**CHIEF JUSTICE**

**SANGITA DHINGRA SEHGAL, J**

**SEPTEMBER 05, 2016**

**kks**