

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10703-2017 (O & M)

Date of decision: 22.11.2017

Baljeet Kaur

...Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amaninder Preet, Advocate, for the petitioner.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

Mr. Sanjeev Manrai, Sr. Advocate,
for Mr. Madhur Goyal, Advocate, Gaurav Talwar, Advocate, for
respondent No.4.

Rajan Gupta, J. (Oral)

Petitioner has impugned order dated 20.02.2017 passed by
Additional Deputy Commissioner (J), Barnala. Operative part of the order
reads as under:-

*“From the record on file, written and oral arguments presented
by the counsel for the appellant and respondent, I have arrived at a
conclusion that counsel for appellant party stated in his arguments
that application for declaring the document No.355 dated 11.06.2016
as null and void has been got submitted by putting pressure over
respondent Janta Singh @ Gurjant Singh, for which no concrete
evidence has been presented. Apart from this, as per the saying of
counsel for respondent that appeal under Section 16 of Maintenance
& Welfare of Parents and Senior Citizens Act, 2007 can be filed
within two months either by senior citizen or parents meaning thereby
Janta Singh has right to file the appeal against the order of lower
court. As such appellant party has no right to file appeal against the
order of lower court. So the appeal under Section 16 of Maintenance*

& Welfare of parents and Senior Citizens Act, 2007 is not maintainable.

As such, keeping in view the above, agreeing with the arguments of counsel for respondent, appeal of the appellant is hereby dismissed and the order dated 05.10.2006 passed by Tribunal (Sub Divisional Magistrate) Tapa is kept intact. Order announced.”

It has been urged before the court that the appellate authority ought to have entertained the appeal in view of law laid down in ‘*Paramjit Kumar Saroya versus The Union of India and another, 2014 AIR (Punjab) 121*’. The authority, therefore, erred in rejecting the appeal as not maintainable.

Ratio of judgment in *Paramjit Kumar Saroya’s case (supra)* is not disputed by learned counsel representing the respondents.

In view of above, this petition is allowed. Impugned order is hereby set aside. Matter is remitted to the same authority for decision afresh after affording opportunity of hearing to both the parties.

November 22, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No