

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

CWP No. 14486 of 2017

Date of decision : 28.11.2017

Gurdas Kaur

...Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Hitesh Verma, Advocate for the petitioner.

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

Mr. G.S. Sidhu, Advocate for respondent no. 3.

RAJAN GUPTA J.

Petitioner has impugned order dated 21.04.2017 passed by the authority. Order has been impugned primarily on the ground that husband could not have maintained the petition/application under section 23 of the Act to seek cancellation of transfer deed. It has been urged that Tribunal has not dealt with this issue in the impugned order. Learned State counsel does not dispute that the issue regarding maintainability of petition under section 23 of the Act by petitioner requires consideration. Learned counsel appearing for respondent no. 3, however, submits that order is sustainable. Respondent no. 3 being a senior citizen was competent to file application before the Tribunal.

In view of aforesaid contentions raised before this court and the fact that issue regarding maintainability of petition under section 23 of the Act by husband against his wife needs to be considered as per law,

impugned order is set-aside. Matter is remitted to same authority for decision afresh after affording opportunity of hearing to the parties.

Allowed in these terms.

November 28, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No