

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

**CWP-1945-2016 (O & M)
Date of decision: 17.08.2017**

Gurmail Singh

....Petitioner

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Deepak Gupta, Advocate, for the petitioner.

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

Mr. Mohinder Pal, Advocate, for respondent No.4.

Rajan Gupta, J. (Oral)

Petitioner has impugned orders passed by authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. According to him, the authority dismissed the appeal preferred by the petitioner on the ground that the same was not maintainable. It observed that there was no provision of appeal by children under the Act. He further submits that matter needs to be remitted to the same authority for a decision afresh.

Learned State counsel has filed status report by way of affidavit of Pritpal Singh, Inspector, Station House Officer, Police Station Nandgarh, District Bathinda. According to him, Station House Officer of the area,

conducted a verification about possession of the property. He found that the petitioner and his mother Angrej Kaur alongwith children were living in the house. The step-mother Amarjit Kaur, however, is living at the mercy of nephew of her husband. He does not oppose the prayer for remand of the case to the appellate authority.

Stand of learned counsel appearing for respondent No.4 is on the similar lines.

Under the circumstances, impugned order dated 30.11.2015 passed by District Magistrate, Bathinda, is set aside. Matter is remitted back to the same authority for consideration after affording an opportunity of hearing to the parties and taking into consideration judgments rendered by this court in '*Sucha Singh Sandhu versus Appellate Tribunal and others, 2016(2) RCR (Civil) 911*' and '*Paramjit Kumar Saroya versus The Union of India and another, 2016(3) RCR (Civil) 146*'.

Allowed in these terms.

August 17, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No