

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

CWP No.2074 of 2017

Date of Decision.09.02.2017

Surender Kumar Aggarwal

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Arun Bansal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order rendered by the Additional Deputy Commissioner-cum-Additional Magistrate dismissing the application under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Mr. Arun Bansal, learned counsel appearing on behalf of the petitioner very fairly informed that the respondents have already filed the civil suit seeking declaration claiming ownership and arrayed the petitioners as defendants. He intends to file counter-claim along with written statement and submits that finding arrived at by the District Magistrate should not come in his way.

I am in agreement with the arguments that the District Magistrate would not have all trappings of Civil Court. The matter regarding the declaration or funding for purchase of the property would be question of debate/decision before the trial Court subject to the documentary evidence and mode of proof of the documents.

The petitioner is at liberty to take up all the issues in the written statement, much less, the counter claim, if any. In case such

pleadings/objections are taken, the trial Court shall decide the same uninfluenced with the findings rendered by the District Magistrate.

With the aforementioned observations, the writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

February 09, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No