

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

CWP No.21781 of 2017

Date of Decision: 25th September, 2017

Samta Jain and another

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Atul Goyal, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

Petitioner No.1 is the daughter-in-law of respondents No.3 & 4, who has preferred this petition along with her son for the issuance of a writ in the nature of certiorari for quashing the proceedings initiated against her at the instance of respondents No.3 & 4, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short 'the Act'], in view of an order passed by the Judicial Magistrate First Class, Ludhiana under the provisions of the Protection of Women from Domestic Violence Act, 2005 in which vide order dated 25.5.2017 status quo has been granted.

Learned counsel for the petitioners has submitted that on the one hand, the Judicial Magistrate Ist Class, Ludhiana has granted status quo and on the other hand, respondents No.3 & 4 have sought eviction of the petitioners from the house in dispute by filing a petition under Sections 22 & 23 of the Act. He has further submitted that respondent No.3 is a Chartered Accountant and his son, who is respondent No.5, is also a Chartered Accountant whereas the petitioner is the house wife. Therefore, he prays that she may be allowed to present her case through an advocate and in this regard he has relied upon a Division Bench

judgment of this Court rendered in the case of “**Paramjit Kumar Saroya Vs. The Union of India and another**” 2016 (3) RCR (Civil) 146.

I have heard learned counsel for the petitioners.

Insofar as the prayer of the petitioners for quashing the proceedings initiated against petitioner No.1 under the Act is concerned that cannot be accepted at this stage as the petitioners have a right to bring to the notice of the District Magistrate, who is seized of the petition filed under Sections 22 & 23 of the Act to take a decision, the order passed by the Judicial Magistrate Ist Class, Ludhiana but the other prayer of the petitioners that they may be allowed to present their case through an advocate is accepted in view of the decision rendered by this Court in the case of **Paramjit Kumar Saroya (Supra)**.

With these observations, the present petition is hereby disposed of.

25th SEPTEMBER, 2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No