

CWP-4121-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-4121-2017.

Decided on: March 2, 2017.

Ranjit Kaur

.. Petitioner(s)

VERSUS

Sub Divisional Magistrate -cum- Collector and another

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.B.D.Sharma, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

The petitioner is daughter in law of respondent no.2. Vide ex parte order Annexure P1 dated 7.10.2015, passed under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the Maintenance Tribunal, Amritsar, has ordered the cancellation of the transfer deed dated 26.5.2011 and directed the transfer of sum of Rs.3,75,300/-, lying in the account of petitioner to the account of respondent no.2.

Counsel for the petitioner submits that an application, Annexure P2 dated 24.2.2016, filed for setting aside the ex parte order Annexure P1 dated 7.10.2015, has been dismissed vide order Annexure P3 dated 15.7.2016. Counsel for the petitioner further submits that order Annexure P3 is a non-speaking and cryptic order without application of judicious mind on the pleas taken up by the petitioner.

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The petitioner appears to have got an alternative remedy of appeal under Section 16 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, however, counsel for the petitioner referring to the provisions of said sub section submits that it is only parents and senior citizen who can file an appeal if aggrieved by the order of the Maintenance Tribunal.

The contention of the petitioner is apparently misconceived in context to the law laid down in *Paramjeet Kumar Saroya Vs. The Union of India reported in AIR 2014 Punjab and Haryana page 121* wherein interpreting Section 16 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, it had been held that said section provides for a right of appeal to **any** of the affected parties as there is no negative provision in the Act denying the right of appeal to the parties other than the parents and senior citizens.

In view of the ratio of the above said judgment, I am of the considered opinion that the impugned order is an appealable order qua the petitioner as well.

This petition is disposed of as not maintainable relegating the petitioner to avail the alternative remedy with liberty to raise all the pleas taken up in the present writ petition before the Appellate Tribunal. In case the appeal is filed within a period of 30 days, the same would be entertained.

(M.M.S. BEDI)
JUDGE

March 2, 2017.

rka

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No