

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP 4258 of 2017

Date of Decision: March 3, 2017

Khushwinder Kaur and another

.....Petitioners

Vs.

The Deputy Commissioner-cum-Appellate Maintenance Tribunal and ors.

.....Respondents

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

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Present:- Mr.H.S. Rakhra, Advocate
for the petitioners.

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

Counsel for the petitioners has, besides challenging the maintainability of the proceedings under the provisions of Maintenance of Welfare of Parents and Senior Citizens Act, 2007, has challenged the action of the Appellate Tribunal in not finally deciding the appeal filed vide memorandum annexure P-4 under Section 16 of the above said Act by the petitioners.

Next date of hearing before the Appellate Tribunal is March 8, 2017.

After hearing counsel for the petitioners and going through the facts and circumstances of the case, it appears that the order of maintenance is not being executed against the petitioners by Ujjagar Singh-respondent No.3. Even otherwise, the petitioners have got following remedies available with them:--

- i) to file an application for interim relief for staying the execution of the impugned order dated November 29, 2016 passed by Maintenance Tribunal; and
- ii) to file an application for expeditious disposal of the appeal before the Appellate Tribunal;

Instead of availing any of the above said reliefs, the petitioners have rushed to High Court for invoking the writ jurisdiction.

The petition is disposed of relegating the petitioners to avail the alternative remedies. In case of violation of any legal rights or existence of any enforceable legal right, it will be open to the petitioners to approach this Court again.

March 3, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.