

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

(109)

**CWP-9216-2017 (O&M)
Decided on: May 08, 2017.**

Bipinpal Singh and another

.... Petitioners

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. P.P.S. Doabia, Advocate, for the petitioners.

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

Miscellaneous application is allowed. Copy of plaint Annexure P-6 is permitted to be taken on record.

Order passed by the Sub Divisional Magistrate, Rupnagar directing the returning of the property to respondent No.4 regarding share in 17 kanals 0 marlas of the land to the extent of 13 marlas 4 sarsahi appears to be an appealable order under Section 16 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Learned counsel for the petitioners has submitted that no appeal is provided on behalf of aggrieved persons, in case, they are not senior citizens.

I have heard learned counsel for the petitioners in context to the provisions of Section 15 (1) of the said Act and I am of the opinion that this point has already been thrashed in the judgment of Division Bench of this Court in **Paramjit Kumar Saroya Vs. Union of India and another AIR 2014 (Pb.) 121** wherein it has been held that appeal will be maintainable on behalf of any aggrieved person and it is not only the senior citizen who could file an appeal under the said provision.

In view of said circumstances, the writ petition is disposed of with liberty to the petitioners to file an appeal in the light of judgment of Division Bench of this Court in **Paramjit Kumar Saroya's case (supra)**. All the pleas taken up in this petition, may be raised before the said Court.

It is also not out of place to observe here that since no order has been passed regarding delivery of possession of the disputed property in the exercise of powers under Section 23 of the said Act, by the District Magistrate, the writ petition is not maintainable.

The writ petition is disposed of relegating the petitioners to avail the alternative remedy within a period of 15 days.

(M.M.S. BEDI)
JUDGE

May 08, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No