

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.10510 of 2018 (O&M)

Date of Decision: 25.09.2018

Pawan Yadav

. Petitioner

Vs.

Deputy Commissioner-cum-Chairman Maintenance Appellate Tribunal,
Rewari and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Arun Jain, Sr. Advocate, with
Mr.Vijay Sharma, Advocate,
for the petitioner.

Mr.Rahul Mohan, DAG, Haryana.

Mr.Sapan Dhir, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order passed by the
Maintenance Appellate Tribunal by which appeal filed by the petitioner
has been dismissed on the ground of maintainability.

Learned counsel for the petitioner has relied upon a
Division Bench judgement rendered by this Court in the case of
“Paramjit Kumar Saroya Vs. The Union of India and another”
2016(3) RCR (Civil) 146 to contend that the right of appeal, as provided
under Section 16 of the Maintenance and Welfare of Parents and Senior
Citizens Act, 2007 [for short ‘the Act’], is also available to a person
who is not a senior citizen but aggrieved against the order passed by the
Maintenance Tribunal.

Learned counsel for respondent No.3 could not refer to any judgment to the contrary.

Consequently, the present petition is allowed, the impugned order passed by the Maintenance Tribunal is hereby set aside and the case is remanded back to the Maintenance Appellate Tribunal to decide the same in accordance with law. The parties are directed to appear before the Maintenance Appellate Tribunal on 08.10.2018.

25.09.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No