

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10765-2018 (O & M)

Date of decision: 25.10.2018

Amir Singh

.... Petitioner

V/s

Deputy Commissioner, Ferozepur and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Nakul Sharma, Advocate, for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

RAJAN GUPTA, J. (Oral)

Petitioner has impugned order dated 09.01.2018 passed by Deputy Commissioner, Ferozepur-respondent No.1. Operative part thereof reads as under:-

“Today on 09.01.2018, applicant and respondent came present in the Court. Respondent Beant Singh gave Rs.35,000/- to his father Amir Singh in the Court. While disposing of the application of applicant under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, it is ordered that respondent Beant Singh will give Rs.35,000/- being maintenance on every Hari-Sauni cross season to his father Amir Singh. On giving this amount, he will get receipt to that effect or he will bind to deposit the said money in his bank account. Both the parties agreed to above said order. Statements of both the parties were recorded in this regard. One copy of this order may be sent to the applicant and one to respondent for information. Order has been pronounced. Case file after compliance may be consigned to record room.”

According to the report from the registry, service has already been effected upon respondents No.1 and 2. Contesting respondent i.e.

respondent No.2, however, remains unrepresented.

It has been urged before the court that the petitioner had sought the eviction of respondent No.2 from the property in question. The matter could have been dealt with by Sub Divisional Magistrate i.e. the authority envisaged by the Act. However, said application was entertained by the Deputy Commissioner and disposed of on 09.01.2018 on the basis of alleged compromise.

Apparently, order passed is against the provisions of the Act wherein there appears to be no scope for disposing of the application on the basis of compromise. Under the circumstances, impugned order is hereby set aside and the matter is remitted to the same authority for a decision afresh which shall be at liberty to call upon the petitioner to refund the amount of Rs.35,000/- remitted by respondent No.2 to him.

Allowed in these terms.

October 25, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

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