

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

CWP No. 1354 of 2018

Date of Decision: 10.09.2018

NAIB SINGH

....Petitioner

VS.

***DEPUTY COMMISSIONER-CUM-DISTRICT
BATHINDA AND OTHERS***

MAGISTRATE,

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Sanjeev Kumar Arora, Advocate,
for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

Mr. J.K. Singla, Advocate,
for respondent No. 3.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order dated 28.11.2017 passed by the District Magistrate, Bathinda, as an appellate authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, by which the appeal filed by the petitioner against order dated 04.10.2017 passed by the Sub Divisional Magistrate, Rampura Phool, Bathinda, has been dismissed on the ground of maintainability.

Learned counsel for the petitioner has relied upon a decision of the Division Bench of this Court rendered in the case of Paramjit Kumar Saroya Vs. The Union of India and another; 2016(3) RCR (Civil) 146 to contend that the appeal filed by the petitioner is maintainable.

Learned counsel for the respondents could not dispute the law laid down by this Court in the aforesaid case.

In view of the aforesaid, present petition is hereby allowed and the impugned order dated 28.11.2017 is set aside. The matter is remanded

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back to the appellate authority i.e. District Magistrate, Bathinda to decide the same on merits.

Parties are directed to appear before the appellate authority on 24.09.2018.

September 10, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

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