

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.21095 of 2015(O&M)

Date of Decision:-14.09.2018

Balbir Singh.

.....Petitioner.

Versus

**District Magistrate-cum-Appellate Tribunal (under the Maintenance &
Welfare of Parents & Senior Citizens Act, 2007), Ludhiana & Ors.**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Harveen Kaur, Advocate for the Petitioner.

Ms. Anju Sharma Kaushik, Deputy Advocate General, Punjab.

Mr. R.S. Dadwal, Advocate for respondent no.3.

JASWANT SINGH, J.(ORAL)

Petitioner-Balbir Singh has preferred the present petition seeking issuance of writ in the nature of Certiorari quashing the order dated 09.04.2015 (P-1) passed by Sub Divisional Magistrate-cum-Tribunal, Raikot (respondent no.1) and order/letter dated 26.08.2015 (P-2) passed by the District Magistrate-cum-Appellate Tribunal, Ludhiana (respondent no.1) being without jurisdiction and against the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Further prayer has been made for directing the respondent no.1 to decide the appeal on merits.

On 27.10.2017 following order was passed by this Court:-

“ Admittedly, transfer deeds dated 21.9.2012 and

*1.10.2012 were executed in favour of the petitioner by respondents No.3. On a petition being moved by mother of the petitioner under section 23 of the Act, said transfer-deeds were cancelled. Stand of the petitioner is that he preferred an appeal (Annexure P-18) before the District Magistrate, Ludhiana. However, same was not entertained. Stand of the respondent, however, is that petitioner has lost the right to file appeal as he sold the property in question on 21.11.2014 to one Makhan Singh, who has filed a separate appeal before Commissioner, Patiala Division, against his plea of sanction of mutation in his favour. At this stage, this court does not wish to express any opinion on the rival contentions raised before this court. However, in view of judgment rendered by the Division Bench of this court reported as **Paramjit Kumar Saroya Vs. The Union of India and another, AIR 2014 (P&H) 121**, it feels that appeal needs to be decided on merit by the District Magistrate. Matter is adjourned to 20.12.2017 to await the decision of the appeal. The appellate authority shall be at liberty to consider the grounds agitated by the petitioners as well as plea of the respondents and affidavit dated 2.9.2017 filed by the State.*

The parties may appear before the appellate authority on 6.11.2017 at 10.00 A.M. Sharp. ”

Thereafter reply by way of affidavit of Mr. Ajay Sood, Additional Deputy Commissioner, Khanna-cum- Appellate Tribunal, Ludhiana was filed wherein it was stated that in terms of the order dated 27.11.2017 passed by this Court, after hearing the parties the Authority has accepted the appeal vide order dated 15.12.2017 and set aside the impugned order dated 09.04.2015 passed by Tribunal-cum-Sub Divisional Magistrate, Raikot and remanded the case to Tribunal with direction to decide the case afresh after hearing both the parties.

Separate reply on behalf of respondent no.3-mother of the

petitioner has been filed opposing the contentions of the petitioner.

Today at the time of hearing learned Counsel for the petitioner prays for permission to withdraw the present petition as the parties have arrived at a amicable settlement.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

September 14, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>