

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

CWP No. 16044 of 2018

Date of decision : 23.10.2018

Gurdev Kaur

...Petitioner

V/s

State of Punjab & ors.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Onkar Singh, Advocate for the petitioner.
Mr. Charanpreet Singh, AAG Punjab.
Mr. Bhanu Pratap Singh, Advocate for respondents no. 4 & 5.

RAJAN GUPTA J.

Petitioner who is an 84 years old lady has impugned the order passed by appellate court whereby order passed by Sub Divisional Magistrate, Garhshankar-cum-Tribunal under the Act has been set-aside. According to learned counsel, in view of section 16 of the Act, appeal against an order passed by Sub Divisional Magistrate is maintainable at the instance of senior citizen or a parent. He submits that appellate authority has erred in entertaining the appeal filed by respondent no. 4 who is son of the petitioner.

Learned State counsel has placed on record affidavit of Hardeep Singh Dhaliwal, Sub Divisional Magistrate, Garhshankar. Prayer is accepted. Same is taken on record.

There can be no doubt about the statutory provisions as incorporated in the Act. The order being against statutory provisions i.e. section 16 of the Act, is hereby set-aside.

Petition is allowed in these terms.

October 23, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No