

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

CWP No. 22420 of 2018

Date of decision : 17.11.2018

Parkash Lal Dua & anr.

....Petitioners

V/s

Harish Dua & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.P. Bhandari, Advocate for the petitioners.

Mr. Ram Bilas Gupta, Advocate for respondents no. 1 & 2.

Mr. Sourabh Mohunta, DAG Haryana.

RAJAN GUPTA J.

Petitioners have impugned the order dated 19.06.2018 passed
by District Magistrate Faridabad, operative part thereof reads as under:-

“Heard. Documents perused, Since the property in question is ancestral property and is not self acquired property of the applicants and the matter is dispute is a family dispute and can be solved at their own level. Hence it does not come under the definition of Senior citizen Act. Accordingly, application is ordered to be filed.”

It has been urged before the court that the order is not only non-speaking but cryptic. Authority has not taken into consideration provisions of the Special enactment as well as the judgments on the issue. No clear finding of fact has been given. He submits that matter needs to be remitted to same authority for decision afresh. Prayer is not opposed by learned counsel appearing for the State.

In view of above, impugned order is hereby set-aside. Matter is remitted to same authority for decision afresh within three months after affording opportunity of hearing to the parties. This shall be at liberty to site the provisions of law as well as judgments before the said authority.

Allowed in these terms.

November 17, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No