

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

CWP No. 23508 of 2018

Date of Decision: December 18, 2018

Dharam Pal Sharma

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.G.C.Shahpuri, Advocate
for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana

Mr.Aayush Gupta, Advocate
for respondent Nos. 3 to 7.

Rajan Gupta, J (Oral)

Petitioner has impugned order dated 16.8.2017 passed by District Magistrate, Yamuna Nagar while exercising powers under the Maintenance and Welfare of Parents & Senior Citizens Act, 2007. He submits that vide order Annexure P/3, the authority had accepted the application moved by senior citizen (petitioner herein). However, later application was moved by the private respondents on the plea that said order was passed ex-parte. The authority convinced with this plea recalled the ex-parte proceedings and after hearing both the parties, passed the instant order Annexure P/7 dismissing the plea of the petitioner for eviction of private respondents. According to learned counsel for respondent Nos. 3 to 7, such an exercise would amount to review of the earlier order passed, which Act does not envisage. He further submits that matter be remitted to the same authority for decision afresh. This court

finds substance in the plea.

Under the circumstances, order Annexure P/7 is set-aside and matter is remitted to the same authority for decision afresh within two months as per law after affording opportunity of hearing to the parties. This court does not find it necessary to set-aside the order dated 16.8.2017 Annexure P/3 as same appears to have been rendered redundant. It is, however, made clear that while deciding the matter the authority shall not be swayed by the observations made in favour of either party.

Petition is allowed in these terms.

(Rajan Gupta)
Judge

December 18, 2018
BB

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