

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 26137 of 2018

Date of decision : 17.11.2018

Karnail Singh

....Petitioner

V/s

District Magistrate, Bathinda & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.L. Bajaj, Advocate for the petitioner.

Mr. Shreesh Gupta, Sr. DAG Punjab.

Ms. Sarbhjeet kaur, Advocate for respondents no. 3 & 4.

RAJAN GUPTA J.

Petitioner has impugned the order dated 17.10.2017 passed by District Magistrate, Bathinda, operative part thereof reads as under:-

“Arguments of both the parties were heard and record of the case was considered. Appellant has given the land to his daughter in law Jasmeet Kaur and Gurmit Singh after obtaining full consideration through Sale Deeds. From the contents of documents there is no condition to lookafter and to give maintenance. Inspite of this the respondents party are ready to lookafter and to give maintenance to the appellant. But the appellant has been bent upon to take back his land. No weight is found in the appeal. This appeal is hereby dismissed. The order dated 21.6.2017 passed by Sub Divisional Magistrate, Bathinda is upheld. Copy of this order be sent to the parties. The file of the Lower Court be sent back. File be consigned in the record room.”

It has been urged before the court that petitioner did not take

According to learned counsel, while deciding the issue, the authority has ignored from consideration provisions of the Act as well as the judgments of this court. He submits that matter needs to be remitted to same authority for decision afresh. This prayer is not opposed by learned counsel appearing for the respondents.

In view of above, impugned order is hereby set-aside. Matter is remitted to same authority for decision afresh as per law after affording opportunity of hearing to both the parties at the earliest, in any case not later than three months.

Allowed in these terms.

November 17, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No