

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.3004 of 2018
Date of Decision: 09.02.2018

Jit Kaur

. . . . Petitioner

Vs.

Baljit Singh and others

. . . .Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.R.K. Singla, Advocate, for
Mr.Tarun Singla, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to challenge the order dated 28.11.2017 by which the application filed by the petitioner, being senior citizen, under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short 'the Act'] has been dismissed.

Though learned counsel for the petitioner has vehemently argued that the impugned order is patently erroneous and illegal but he could not deny that the impugned order passed by the Maintenance Tribunal is amenable to appeal before the Appellate Tribunal in terms of Section 16 of the Act, therefore, the petition in its present form is not maintainable in view of the statutory remedy of appeal available to the petitioner under the Act.

Faced with this situation, learned counsel for the petitioner prays for withdrawal of the petition in order to prefer an appeal at the first instance.

Dismissed as withdrawn.

Liberty granted.

In case, the appeal is filed within a period of one month from the date of receipt of certified copy of this order, the Appellate Authority shall not raise the issue of limitation and shall decide the appeal, in accordance with law, by passing a speaking order.

09.02.2018 <i>Vivek</i>		(RAKESH KUMAR JAIN) JUDGE
	<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
	<i>Whether reportable</i>	<i>Yes/No</i>