

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-30574-2018 (O & M)

Date of decision: 03.12.2018

Purushotam Dass

.... Petitioner(s)

V/s

The Deputy Commissioner-cum Chairman Appellate Authority under Maintenance of Parents and Senior Citizen Act, Bhiwani and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Arun Sharma, Advocate, for the petitioner.

RAJAN GUPTA, J. (Oral)

Notice of motion.

Petitioner has impugned order, Annexure P-10 passed by respondent No.1. Operative part thereof reads as under:-

“After having both the parties and perusal of the record I am on this conclusion that Ld. Lower Maintenance Tribunal, Bhiwani, has given full opportunities of hearing to the appellant. After that vide order dated 13.12.2017 the application of the appellant was dismissed which did not lie under the provisions of Maintenance of Parents and Senior Citizen Act. In this way the order of Lower Court/Tribunal seems to be justified and clear. Hence in the appeal of the appellant finding no merits it is not accepted.”

Learned counsel for the petitioner urges that the order is totally non-speaking and cryptic as no reasoning has been assigned therein for rejecting the plea of the petitioner. He also places reliance upon a judgment passed by this court in a case titled as ‘Justice Shanti Swroop, Chief Justice (Retired) and another versus U.T. Chandigarh, 2014 (5) RCR (Civil) 656, to contend that the law laid down in the said judgment has not been considered

by the authority. He, thus, prayed that the matter be remitted to the same authority for a decision afresh.

Prayer is not opposed by learned State counsel.

In view of the above, impugned order, Annexure P-10, is hereby set aside and the matter is remitted to the same authority for a decision afresh. This court is conscious of the fact that the case is being remitted without notice to respondents No.3 and 4, however, keeping in view the non-speaking nature of the order, it is not felt necessary at this stage.

Allowed in these terms.

December 03, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

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