

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

**CWP No.4705 of 2018(O&M)
Date of Decision: 12.09.2018**

Manjeet Kaur and others

.....Petitioners

Versus

District Magistrate Patiala & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Bhavyadeep Walia, Advocate
for the petitioners.

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. Bhag Singh, Advocate
for respondents No. 3 and 4.

RAKESH KUMAR JAIN J.(ORAL)

This petition is filed for quashing the impugned order dated 14.11.2017 passed by the District Magistrate, Patiala (Annexure P-4).

In brief, the petition under Section 22 of Maintenance and Welfare of Parents and Senior Citizen Act, was filed by respondents No.3 and 4 against petitioner and 1 and respondent No.5 who are husband-wife and son and daughter-in-law of respondent No.3 and 4. The said petition was allowed by the District Magistrate, Patiala vide order dated 14.11.2017 but at the time of notice of motion, this Court has observed that the impugned order has been passed without hearing the petitioner No.1.

Sh. Bhag Singh, Advocate, appearing on behalf of respondent no. 3 and 4 has submitted that the pendency of this petition is against their interest and in case the petitioner No.1 has submitted that she has not been heard by the District Magistrate at the time of passing of impugned order, the said

Magistrate, Patiala.

In view of the submissions made by the learned counsel for respondents No.3 and 4, the present petition is hereby allowed and impugned order dated 14.11.2017 is hereby set aside and the matter is remanded back to District Magistrate, Patiala with a direction to decide the matter after hearing the parties, as early as possible, but preferably within a period of one month.

The parties are directed to appear before the District Magistrate on 08.10.2018.

(RAKESH KUMAR JAIN)
JUDGE

September 12, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No