

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6235-2018 (O & M)

Date of decision: 20.11.2018

Samitar Kaur

.... Petitioner(s)

V/s

Presiding Officer Maintenance Tribunal-cum-Sub Divisional Magistrate,
Mukerian, District Hoshiarpur and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Viridi, Advocate, for the petitioner.

Mr. Avneet Awasthi, AAG, Punjab.

Mr. Satbir Rathore, Advocate, for respondent No.2.

RAJAN GUPTA, J. (Oral)

Petitioner has impugned order dated 08.11.2017 passed by Sub Divisional Magistrate-cum-Presiding Officer, Maintenance Tribunal Mukerian, whereby application for cancellation of sale deed has been rejected. Learned counsel places reliance upon a judgment passed in a case titled as 'Smt. Raksha Devi versus Deputy Commissioner-cum-District Magistrate, Hoshiarpur, 2018 (4) RCR (Civil) 218', to contend that in view of ratio of said judgment, his plea ought to be accepted.

Learned counsel appearing for respondent No.2, however, submits that the petitioner has an effective remedy by way of appeal before the appellate authority.

This court finds substance in the plea raised by learned counsel for respondent No.2. Under the circumstances, petitioner is relegated to the remedy of filing an appeal before the appellate authority. He shall be at

liberty to place reliance upon the judgment in Smt. Raksha Devi’s case (supra). It is made clear that question of limitation shall not stand in the way of the petitioner while preferring the appeal, in case, same is filed within six weeks from today. The appellate authority shall endeavour to decide the same within two months thereof.

Disposed of.

November 20, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No