

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.820 of 2018

Date of decision: January 17, 2018

Amrik Singh and another

...Petitioners

Versus

Sub Divisional Magistrate and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.S.Dadwal, Advocate,
for the petitioners.

Rakesh Kumar Jain, J. (Oral)

The petitioners are the parents of respondent no.2, who is the husband of respondent no.3. The petitioners had filed an application under Sections 9 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the "Act") before the Sub Divisional Magistrate-cum-Maintenance Tribunal, which has been dismissed by the impugned order dated 03.10.2017.

In case an application filed before the Maintenance Tribunal, may be for seeking maintenance or for avoiding a document which is purported to have been got executed by the son or the heir of a senior citizen or the parents, the jurisdiction vests with the Maintenance Tribunal and any order, which is passed by the Maintenance Tribunal against the applicant(s), is amenable to appeal under Section 16 of the Act. Therefore, the petitioners have the statutory remedy of appeal which should be resorted to by them at the first instance.

In view of the above, the present petition is hereby dismissed. However, in case the appeal is filed by the petitioners within a period of 15 days from the date of receipt of certified copy of this order, then the Appellate Authority shall not raise the issue of limitation and shall decide the appeal, in accordance with law.

January 17, 2018
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(Rakesh Kumar Jain)
Judge

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