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

**LPA No.964 of 2016 (O&M) IN
CWP No.7471 of 2014
Date of decision : 12.07.2018**

Gurdev Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Jasbir Singh, Advocate
for the appellant.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. S.S. Rangi, Advocate
for respondent No.3.

RAJESH BINDAL, J.

Order passed by learned Single Judge, disposing of the writ petition, where challenge was made to the order passed by the Maintenance Tribunal, Mohali (for short 'the Tribunal'), has been impugned by filing the present intra-court appeal.

While upholding the order passed by the Tribunal, learned Single Judge had granted liberty to the appellant to get the civil suit revived, which he had withdrawn on 04.04.2014 to pursue his remedy under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Civil suit was filed by the appellant for declaration that the appellant is entitled for re-transfer of House No.1070, Phase-9, Mohali from the defendant

therein as the same was transferred on certain conditions and on an undertaking furnished by the defendant, which had not been complied with. Even in the application filed before the Tribunal, there was no allegation that house in question was transferred expecting that the daughter, in whose favour the house was transferred, will maintain the appellant, hence, the application was rightly dismissed.

There is no error in the order passed by learned Single Judge giving liberty to the appellant to get the civil suit revived and enforce his claim as made therein.

Accordingly, the appeal is dismissed.

Needless to add here that the appellant being a senior citizen and the suit, if revived, pertains to the year 2012, we expect that the Court below shall decide the same as expeditiously as possible.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

12.07.2018
Yogesh Sharma

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Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**