

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

**CWP No. 40278 of 2018
Date of decision : 15.01.2019**

Baldev Singh

...Petitioner

Vs.

Ld. Maintenance Tribunal-cum-SDM, Patiala and another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (Oral)

Instant writ petition is directed against the order dated 27.11.2018 (Annexure P-3) passed by Maintenance Tribunal-cum-Sub Divisional Magistrate, Patiala, in terms of which the complaint/application preferred by respondent No.2 herein Paramjeet Kaur under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (for short 'Act') has been accepted and transfer deed dated 20.12.2013 executed by Paramjeet Kaur in favour of her son-Baldev Singh (present petitioner), has been cancelled.

Having heard counsel for the petitioner at length, this Court is of the considered view that the validity of the impugned order dated 27.11.2018 passed by Maintenance Tribunal-cum-Sub Divisional Magistrate, Patiala, need not be gone into at this stage.

Petitioner has a statutory remedy of appeal under Section 16 of the 2007 Act against the impugned order. Reference in this regard may be made to the judgments rendered by this Court in '*Paramjit Kumar*

Saroya vs. The Union of India & anr. 2016(3) RCR (Civil) 146 and Amarjeet Singh vs. Deputy Commissioner & ors. 2016(3) RCR (Civil) 119' Petitioner ought to avail of his statutory remedy in the first instance.

As such while declining to interfere in the matter, petitioner is relegated to the remedy of appeal as provided under the 2007 Act.

Accordingly, the instant petition is disposed of.

15.01.2019

Harish Kumar

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No