

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

(Proceedings conducted through video conferencing)

CWP No.10445 of 2020(O&M)

Date of decision: 23.7.2020

Gurvir Kaur

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

The precise grievance of the petitioner is that order dated 08.06.2020 (Annexure P-9) challenged in the petition was passed by the Maintenance Tribunal-cum- Sub Divisional Magistrate, Mansa (exercising the powers under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007) without providing an opportunity of hearing to the petitioner despite the fact that the main petition in which the instant application has been filed seeking interim order is being contested by the petitioner.

Perusal of the impugned order, prima facie, reveals that the impugned order has been passed by hearing Sh. Badri Narain Goyal, Advocate, counsel for the applicant (respondent No.3 herein) but without hearing the petitioner (respondent No.2 therein). In the given circumstances, impugned order has been passed by the authority concerned in violation of principle of natural justice. As such, impugned order is set aside with a direction to the authority concerned to decide the application for interim stay by providing an opportunity of hearing to the petitioner (respondent No.2 therein) within a period of 2 months from the date of

receipt of certified copy of the order. However, during the intervening period, the petitioner shall not alienate the disputed land.

Before parting with this order, it is clarified that the petition has been disposed of without notice to the respondents in order to save them from unnecessary expense and inconvenience. However, the respondents would be at liberty to file an appropriate application in case they have any grievance to express.

JULY 23, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no