

(207) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17402 of 2018 (O&M)

Date of decision: 02.03.2020

Daswandh Singh @ Dasaundha Singh

.... Petitioner

Versus

Sandeep Singh and Ors.

.... Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Harminder Singh, Advocate for the petitioner.

Ms Akshita Chauhan, AAG, Punjab.

Mr. BBS Randhawa, Advocate for respondent No.1.

B.S. Walia, J. (Oral)

[1] Learned counsel for the parties are in agreement that the impugned order, Annexure R-1/T dated 13.07.2018 passed by the learned Tribunal dismissing the application under Section 23(i) of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short - 'the Act') in default be set aside and the case be remanded to the learned Tribunal to decide the case afresh in accordance with law by taking into account the decisions of a Division Bench of this Court in CWP No.7282 of 2010 titled as Paramjit Kumar Saroya v. The Union of India and another as well as CWP No.12340 of 2010 titled as Amanpreet and another v. The Union of India and Ors., decided on 28.05.2014 in the context of right of a party to be represented through counsel post 15.06.2011 in view of Section 30 of the Advocates Act.

[2] Accordingly, in the light of the position as noted above, writ

petition is disposed of. Impugned order, Annexure R-1/T dated 13.07.2018

dismissing the application under Section 23 of the Act in default is set aside. Matter is remitted to the learned Tribunal to decide the same afresh in accordance with law as expeditiously as possible preferably within a period of three months by taking into account the decision of the Division Bench of this Court in CWP No.7282 of 2010 and CWP No.12340 of 2010 by permitting representation through counsel in view of the claim being subsequent to 15.06.2011.

Parties to put in appearance before the learned Tribunal on 17.03.2020.

[3] Since the writ petition has been disposed of, all the pending misc. applications are also disposed of.

(B.S. Walia)
Judge

02.03.2020
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Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No.