

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

**CWP-20926-2020 (O&M)
Date of Decision:07.12.2020**

Ashok Kumar

... Petitioner

Versus

Sub Division Magistrate, Narnaul-cum-President, Maintenance Tribunal
Narnaul & others

... Respondents

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

Present:- Mr. Vijay Sharma, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed seeking issuance of a writ of certiorari for quashing of a complaint dated NIL preferred by respondent No.2 under the Haryana Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and Rules made thereunder as also seeking quashing of Notice dated 26.08.2020 (Annexure P-2) issued by the Presiding Officer, Maintenance Tribunal, Narnaul calling upon the petitioner to enter appearance before the Tribunal and to contest the complaint.

Counsel would argue that petitioner is a resident of State of Rajasthan whereas the complaint has been instituted at Narnaul and as such, the Tribunal would lack territorial jurisdiction. That apart, submissions have been raised with regard to maintainability of the complaint itself.

Having heard counsel for the petitioner at length and having

perused the pleadings on record, this Court is of the considered view that no intervention at this stage is called for.

Concededly, the petitioner has already submitted a reply to the complaint. Copy of the reply dated 26.10.2020 has been placed on record at Annexure P-3.

Issues as regards jurisdiction and maintainability have been raised in the reply and which would be examined and looked into by the Tribunal itself.

As such, while declining to interfere in the instant petition, it would be open for the petitioner to file an application before the Tribunal itself for the issue of jurisdiction/maintainability to be gone into at the very threshold and decided before proceeding further on merits.

Disposed of.

07.12.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| (I) | Whether speaking/reasoned? | Yes/No |
| (II) | Whether reportable? | Yes/No |