

(104+209)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.1695 of 2020

CWP No.26517 of 2019

Date of decision: 25.02.2020

Darvara Singh @ Dalwara Singh

... Petitioner

Versus

Appellate Tribunal-cum-Additional Deputy
Commissioner and Ors.

.... Respondents

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

Present: Mr. Manish Kumar Singla with Ms. Sonika, Advocate for the
petitioner.
Ms. Akshita Chauhan, AAG, Punjab.
Mr. Gulzar Mohd., Advocate for respondent No.3.

B.S. Walia, J. (Oral)

CM No.1695 of 2020

Allowed as prayed for. Reply by way of affidavit on behalf of
respondent No.3 is taken on record subject to all just exceptions.

Main Case

[1] Prayer in the writ petition under Article 226/227 of the
Constitution of India is for the issuance of a writ of certiorari for quashing
order, Annexure P/3 dated 29.08.2019 passed by respondent No.1 i.e. the
Appellate Authority under the Maintenance and Welfare of Parents and
Senior Citizens Act, 2007 (for short 'the Act') setting aside order, Annexure
P/1 dated 11.01.2019 passed by the learned Tribunal under the Act whereby

the transfer deed dated 02.08.2013 passed by the petitioner in favour of respondent No.3 was set aside.

[2] Learned counsel for the petitioner contends that order, Annexure P/3 dated 29.08.2019 setting aside order, Annexure P/1 passed by the learned Tribunal was conditional subject to respondent No.3 making monthly payment of ₹10,000/- to the petitioner and in case the same was not paid, transfer deed dated 02.08.2013 would be deemed to be cancelled and it would be open to the petitioner to claim maintenance as per law.

[3] Reply has been filed by respondent No.3 by way of affidavit that he is unable to comply with order dated 29.08.2019 passed by the Appellate Authority and that he has no objection if the writ petition is allowed and impugned order dated 29.08.2019, Annexure P/3 passed by respondent No.1 is set aside and order, Annexure P/1 dated 11.1.2019 passed by the SDM Lehra restored.

[4] In view of the aforementioned stand of respondent No.3 as per affidavit dated 28.01.2020, impugned order is set aside and order, Annexure P/1 dated 11.01.2019 passed by SDM, Lehra is restored.

[5] Writ petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

25.02.2020
amit

1. Whether speaking/reasoned: Yes/No.
2. Whether reportable : Yes/No.