

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

CWP- 879-2021

Date of Decision : January 14, 2021

Kamaljit Kaur and others

..... PETITIONER(S)

VERSUS

State of Punjab and others

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. I.P.S. Mangat, Advocate, for the petitioners.
 Ms. Maloo Chahal, Deputy Advocate General, Punjab.

...

Sanjay Kumar, J.

The petitioners seek to assail the order dated 03.12.2019 passed by the District Magistrate, Mohali, in exercise of power under the provisions of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'). Thereby, the District Magistrate directed the petitioners, the respondents in Case No.28/Senior Citizen, to vacate the house of the complainant, the 3rd respondent herein, in 45 days.

Mr. I.P.S. Mangat, learned counsel for the petitioners, would assert that the said house is ancestral property and that the petitioners also have a rights therein. He would inform this Court that a partition suit was

instituted recently before the jurisdictional Civil Court in this regard.

Be it noted that the impugned order dated 03.12.2019 is appealable under Section 16 of the Act of 2007. The Appellate Tribunal also has power to condone the delay in the presentation of an appeal, if sufficient cause is shown therefor.

That being so, this Court finds no reason to entertain this writ petition. As an effective alternative remedy is provided by the statute itself, it is for the petitioners to take recourse to the same and ventilate their grievance in accordance with the due procedure. Leaving it open to them to do so, the writ petition is dismissed.

No order as to costs.

January 14, 2021
Kang

(Sanjay Kumar)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No