

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CWP-19444-2020 (O&M)

Date of Decision: April 08, 2021

SAGAR DOON

..... PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sunil Chadha, Sr. Advocate with
Mr. Rahul Bhargava, Advocate and
Mr. Akshay Chadha, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG., Haryana,
for respondents no.1 and 2.

Mr. Akshay Jindal, Advocate
for respondents no.3.

LISA GILL, J.

This writ petition has been filed by the petitioner, who is a respondent in the application (Annexure P-2) filed by respondent no.3 (petitioner's paternal grand-mother) under the Maintenance and Maintenance and Welfare of Parents and Senior Citizen Act, 2007, seeking cancellation of transfer deed dated 10.06.2019, executed by her in respect to the property mentioned therein as well as cancellation of the re-allotment letter dated 20.06.2019 issued subsequent thereto. Respondent no.3 also seeks cancellation of transfer of membership of the flat as mentioned in the application. Reply on behalf of the petitioner was filed alongwith an application seeking dismissal of the petition being not maintainable keeping in view Section 23 of the Act as well as other grounds raised in the petition

including the ground that application under the Act is actuated due to matrimonial dispute between the petitioner's parents. Respondent no.3 is the paternal grandmother of the petitioner.

It is contended that divorce petition was filed on 27.07.2020 and the present application filed by respondent no.3 on 16.08.2020. It is further contended on behalf of the petitioner that application has been wrongly entertained by respondent no.2 and was not being dealt with, by a duly constituted Maintenance Tribunal, as envisaged under Rule 3 of the Haryana Maintenance of Parents and Senior Citizens Rules, 2009. As per the said Rule, each Tribunal would consist of three Members, one of them being an Official Member, not below the rank of Sub-Divisional Magistrate, who would be the Chairperson and two non-official Members to be approved and notified by the Deputy Commissioner, a person from reputed non-Government organization and a person who is a social worker, directly engaged in welfare of senior citizens or a reputed advocate from the district who has worked in the social welfare sector.

Learned counsel for the respondents points out that a duly constituted Tribunal as per the Rules is now in place. Reference has been made to the notification dated 8.12.2020 (Annexure R-3/1). It is submitted that the matter would now be heard in accordance with law by this duly constituted Tribunal.

Learned counsel for the petitioner is unable to deny the constitution of the Tribunal as above. However, an apprehension is expressed that the petitioner's application for dismissal of the petition (Annexure P-4) may not be decided.

Such apprehension is clearly unfounded. Needless to say, it is incumbent upon the duly constituted Tribunal to take up, consider and decide the application filed by respondent no.3 as well as the application filed by the present petitioner (Annexure P-4), besides any other application pending or to be filed by any of the parties, in accordance with provisions of law.

No further order need be passed in this writ petition, which is disposed of with the parties relegated to their remedy before the duly constituted Tribunal. Needless to say, liberty is afforded to both the parties to raise all available pleas before the Tribunal, which shall consider the same in accordance with law.

April 08, 2021
Sunil

(LISA GILL)
JUDGE

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