

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

CWP-15922-2021

Date of decision: 16.05.2022

RANI

...Petitioner

versus

ADDITIONAL DISTRICT MAGISTRATE AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Manav Bajaj, Advocate,
For the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Mr. Sahil Goel, Advocate,
For respondent No.2.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to set aside the impugned order dated 01.06.2021 (Annexure P-9) passed by respondent No.1 whereby application filed by respondent No.2 under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (herein after referred to as 'the Act') was allowed and petitioner (herein) was directed to vacate the property of respondent No.2 within 30 days of the order passed.

I have heard learned counsel for the parties and gone through the case file.

Perusal of the record vis-à-vis Annexures particularly, Annexures P-1 (Ration Card), P-1-A (Aadhar Card) and P-4 (an earlier petition filed in this court by the respondent No.2) reflects that on her own volition, respondent No.2 has stated her age to be less than 58 years as on the date of

instituting proceedings before the Maintenance Tribunal vide petition Annexure P-5, which is dated 04.09.2020.

In the premise, on that short ground alone, Tribunal could not have invoked the jurisdiction of Maintenance Tribunal under the Act, as respondent No.2 herein was less than 58 years not a senior citizen on the relevant date. Impugned Order dated 01.06.2021 (Annexure P-9) passed by respondent No.1 is quashed for lack of jurisdiction. Writ petition is accordingly allowed.

(ARUN MONGA)
JUDGE

May 16, 2022
Vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No