

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

**CWP-12835-2018 (O&M)**

**Date of decision: May 09, 2022**

Paramjit Singh and another

....Petitioners

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Sandeep Jain, Advocate,  
Mr. Sachin Jain, Advocate for the petitioners.

Ms. Rukhsaar Dhindsa, AAG Punjab.

Mr. J.S. Cooner, Advocate for respondents No.4 and 5.

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**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari quashing the proceedings initiated under Sections 5, 22 and 23 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the ADC (Tribunal under Senior Citizen Act) SAS Nagar Mohali.

2. While issuing notice of motion, Rakesh Kumar Jain, J. (as he then was) passed the following order:

*“Counsel for the petitioners, inter alia, contends that petitioners No.1 and 2 are the son and daughter-in-law of respondents No.4 and 5. It is further submitted that respondents No.4 and 5 have already filed a suit for possession in regard to the house in dispute which is pending for their evidence whereas during the pendency of that suit, respondents No.4 and 5 have filed an application under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short ‘the Act’) before the District Magistrate SAS Nagar, Mohali. It is submitted that respondents No.4 and 5 cannot have two parallel proceedings on the same issue. It is further submitted that since the application filed under Section 22 of the Act is subsequent to*

*the civil suit, therefore, it was not maintainable but the District Magistrate, Mohali is proceeding with the hearing of the said application despite the objection raised in the written statement.*

*Notice of motion for 6.7.2018.*

*In the meantime, further proceedings before the District Magistrate, Mohali pending, in respect of application filed by respondents No.4 and 5 under Section 22 of the Act, shall remain stayed.”*

3. *Apropos* above, return has been filed by respondents No.4 & 5-Senior citizens. Perusal of Annexure R-1 appended thereto reveals that Civil Suit filed by them, which was the reason of granting interim stay, has been withdrawn.

4. Neither any affidavit nor replication has been filed, and therefore, factual assertions contained in the return remain uncontroverted.

5. In the premise, no further proceedings are required before this Court. Interim order dated 21.05.2018 is vacated.

6. Maintenance Tribunal at the time of issuance of notice, is yet to decide the case on merits. Writ petition is disposed of with the expectation that the Tribunal below shall now proceed in accordance with law to dispose of the pending the case on merits.

**(ARUN MONGA)**  
**JUDGE**

**May 09, 2022**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No