

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(254)

CWP-82-2023

Date of decision: - 08.08.2023

Bhag Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. S.S. Kamboj, Advocate, for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab
for respondents No.1 and 2.

Mr. Gopal Sharma, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for setting aside the impugned order dated 17.11.2022 (Annexure P-6) passed by the Maintenance Tribunal-cum-SDM Mohali (under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007), whereby the transfer deed dated 20.06.2012 (Annexure P-1) executed by respondent No.3 in favour of petitioner and his brother has been ordered to be set aside and ordered to be transferred in favour of respondent No.3.

2. On 07.08.2023, this Court was pleased to pass the following order: -

“Learned State Counsel as well as learned counsel for respondent No.3 have submitted that in view of judgment passed by the Hon'ble Division Bench of this Court in Paramjit Kumar Saroya Vs. Union of India and another, reported as 2016(3) RCR (Civil) 146, an appeal against the impugned order is maintainable.

Learned counsel for the petitioner prays for a short adjournment to get instructions in the matter.

Adjourned to 08.08.2023.

To be taken up at 11:30 am.

07.08.2023
naresh.k”

(VIKAS BAHL)
JUDGE

3. Learned counsel for the petitioner, in view of the above, seeks to withdraw the present writ petition with liberty to file a statutory appeal before the appellate authority. It is prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files the statutory appeal within a period of 30 days from today, then, the appellate authority be directed not to dismiss the said appeal solely on the ground of limitation.

4. In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

5. In case the petitioner files any such appeal within a period of 30 days from today, then, the appellate authority would not dismiss the said appeal solely on the ground of limitation.

August 08, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No