

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

(211)

CWP-373-2021

Date of decision: - 06.12.2023

Sant Ram

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. S.K. Bawa, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. Akshay Bhan, Senior Advocate, with
Mr. Harparteek Singh Sandhu, Advocate, and
Mr. Harsh Vashu Gupta, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Article 226/227 of the Constitution of India for the issuance of a writ especially in the nature of certiorari for quashing the order dated 25.11.2020 (Annexure P-1) passed by respondent No.2 under the Maintenance and Welfare of Parents & Senior Citizens Act, 2007.

2. Learned State counsel as well as learned Senior counsel for respondent No.3 have pointed out that against the impugned order, an appeal lies before the Appellate Tribunal and as per the law down 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, the

said appeal is maintainable on behalf of the petitioner also.

3. Learned counsel for the petitioner has submitted that in view of the said objection, he seeks permission of this Court to withdraw the present writ petition with liberty to the petitioner 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 15 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 In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.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 15 days from today, then, the appellate authority would not dismiss the said appeal solely on the ground of limitation.

6. At this stage, learned counsel for the petitioner has stated that while issuing of notice of motion on 08.01.2021, a Co-ordinate Bench of this Court, directed the parties to maintain status quo till the next date of hearing and the said interim relief has continued till today. It is prayed that the said interim order be continued for a period of 15 days so as to enable the petitioner to file an appeal.

7. Learned Senior counsel for respondent No.3 has submitted that the said interim order should not be construed as an expression on the merits of the case and the appellate authority should consider the main case as expeditiously as possible, without being influenced by the interim order dated 08.01.2021 passed by the Co-ordinate Bench of this Court. It

is further prayed that any further continuance of interim order should be independently considered by the appellate authority.

8. In view of the above, the interim order dated 08.01.2021 directing the parties to maintain status quo would continue till 21.12.2023. The passing of said interim order dated 08.01.2021 and the continuance of the same should not be construed as an expression on the merits of the case and the appellate authority would consider the case independently, in accordance with law, as expeditiously as possible. The grant or further continuance of any interim order would be considered by the appellate authority independently, in accordance with law.

December 06, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No