

215-A

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

CWP-2797-2021 (O&M)
Date of decision: 16.11.2023

Jagroop Singh

...Petitioner

Versus

Sub Divisional Magistrate-cum-Presiding Officer and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab
for respondent No.1.

Mr. Madan Lal, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 29.12.2020 (Annexure P-1) passed by respondent No.1 whereby the petition filed by respondent No.2 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been allowed.

2. Learned counsel for respondent No.2 has pointed out 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 lies against the impugned order dated

29.12.2020 even on behalf of the petitioner.

3. Learned counsel for the petitioner, in view of the above, seeks to withdraw the present writ petition with liberty to file an appeal, in accordance with law. It is submitted that since the petitioner has been pursuing the present petition, then in case the said appeal is filed within a period of one month from today, the appeal be not dismissed solely on the ground of limitation.

4. In view of the statement made by learned counsel for the petitioner, the present writ petition is dismissed as withdrawn with the aforesaid liberty and in case, the appeal is filed within a period of one month from today, then the appellate authority would not dismiss the same solely on the ground of limitation.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

16.11.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No