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

CM-18643-CWP-2023 in/and
CWP-3059-2022 (O&M)
Date of decision: 06.12.2023

Amrit Pal and others

...Petitioners

Versus

Tarsem Chand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Supriya Garg, Advocate for the petitioners.

Mr. Sherry K. Singla, Advocate for respondent No.1.

Mr. Kunal Muthreja, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

CM-18643-CWP-2023

1. This is an application filed under Section 151 of CPC for preponement of the date of hearing in the main case which is now stated to be listed for 11.03.2024 to an early date.

2. For the reasons stated in the application, the same is allowed and the date of hearing in the main case is preponed from 11.03.2024 to today and the same is taken on Board today itself for final disposal.

Main case

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 setting aside the order dated 22.12.2021 (Annexure P-5) whereby respondent No.2 has allowed the application filed under Section 23 of the

Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Learned State Counsel as well as learned counsel for respondent No.1 have raised preliminary objections that against the impugned order, 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 would lie before the Appellate Authority.

3. Learned counsel for the petitioners has submitted that in view of the same, she seeks permission of this Court to withdraw the present writ petition with liberty to file the said appeal before the Appellate Authority. It is further submitted that since, the petitioners were pursuing the present writ petition thus, in case the petitioners file the said appeal within a period of thirty days from the date of receipt of certified copy of the present order then the same be not dismissed solely on the ground of limitation.

4. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

5. It is made clear that in case the petitioners file the said appeal within a period of thirty days from the date of receipt of certified copy of the present order then the same be not dismissed solely on the ground of limitation.

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

06.12.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No