

CM-9221-CWP-2023 IN/&CWP-3819-2023 1 2023:PHHC:090061

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CM-9221-CWP-2023 IN/& CWP-3819-2023
Date of decision : 18.07.2023

Usha Devi

... Petitioner

Versus

Sub Divisional Magistrate-cum-Maintenance Tribunal, Fatehgarh Churrian
and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present:- Mr.Ramesh Chand Sharma, Advocate
for the petitioner.

Mr.Rohit Bansal, Sr.DAG, Punjab
for respondent no.1.

VIKAS BAHL, J.(ORAL)

1. Present application bearing CM-9221-CWP-2023 has been filed for restraining respondents no.2 and 3 from alienating the disputed property.

2. Learned State counsel has pointed out that against the impugned order, an appeal lies under Section 16 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007. It is further submitted that the main case is listed for 14.09.2023 and the same be preponed and the present petition be dismissed.

3. Learned counsel for the petitioner has submitted that he has no objection if the main case is preponed from 14.09.2023 to today itself for hearing.

4. In view of the above, the prayer of the learned State counsel is

allowed and the main petition is preponed from 14.09.2023 to today itself

for hearing.

5. Present civil writ petition is filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of the order dated 20.12.2022 (Annexure P-4) passed by respondent no.1.

6. Learned counsel for the petitioner seeks to withdraw the present petition with liberty to file an appeal. Learned counsel for the petitioner has submitted that since the petitioner has been pursuing the present writ petition, thus, in case the petitioner files an appeal before the appellate authority within a period of one month from today, then the appellate authority be directed to not dismiss the same solely on the ground of limitation.

7. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with liberty to the petitioner to file an appeal. In case the petitioner files the statutory appeal within a period of one month from today, then the appellate authority is directed not to dismiss the same solely on the ground of limitation.

8. Pending miscellaneous application shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

July 18, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No