

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CWP-6929-2019

Date of decision: - 18.08.2023

Baljit Kaur

....Petitioner

Versus

Sub Divisional Magistrate and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. M.J.S. Bedi, Advocate, for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

Mr. Siddharath Gupta, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ, order or direction especially a writ in the nature of certiorari for setting aside the impugned order dated 08.01.2019 (Annexure P-6) passed by respondent No.1.

2. Learned State counsel has submitted that the impugned order (Annexure P-6) is appealable under Section 16 of The Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 (for short 'Act of 2007') 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**, whereas, in the present writ petition it has been mentioned that there is no remedy of appeal or revision.

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 Civil Writ Petition with liberty to the petitioner to file an appeal under Section 16 of the Act of 2007 and also to raise all the pleas which have been raised in the present petition and are available to her before the Appellate Tribunal. It is prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files the 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 In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.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 18, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No