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

CWP-6104-2023 (O&M)
Date of decision: 24.07.2023

Raghuraj Singh and another

...Petitioners

Versus

Sub Divisional Magistrate-cum-Maintenance Tribunal, Rohtak and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Manoj Makkar, Advocate for the petitioners.

Mr. Randhir Singh Duhan, respondent No.4 in person.

VIKAS BAHL, J. (ORAL)

With the consent of learned counsel for the petitioners as well as respondent No.4 who is appearing in person, the date of hearing in the main writ petition is preponed from 27.09.2023 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 Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 22.12.2022 (Annexure P-4) passed by respondent No.1 as well as order dated 25.01.2023 (Annexure P-6), whereby the appeal of the petitioners has also been rejected.

2. Learned counsel for the petitioners as well as respondent No.4

who is appearing in person and is also appearing on behalf of respondent No.3 have jointly submitted that in the present case, respondent Nos.3 and 4 have filed an application under the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 (hereinafter to be referred as “the Act of 2007”) and the said application is still pending before the Tribunal and the Tribunal had, vide order dated 22.12.2022, observed that the application filed by the petitioners on the question of maintainability would be decided along with the main case. It is further submitted that against the said order dated 22.12.2022, an appeal was filed by the petitioners which has been rejected. It has further been jointly prayed that since the main case is still pending, the present writ petition be disposed of with a direction to the Tribunal to decide the application filed by respondent Nos.3 and 4, in accordance with law, after taking into consideration all the pleas raised by both the parties.

3. Learned counsel for the petitioners has submitted that as per his instructions, no reply has been filed to the main application filed by respondent Nos.3 and 4 and only an application for rejection of the petition being not maintainable was filed.

4. Respondent No.4 in person, however, has submitted that the reply has already been filed.

5. Keeping in view the abovesaid facts and circumstances and also the joint statement made by learned counsel for the petitioners and respondent No.4 appearing in person, the present Civil Writ Petition is disposed of with following directions:-

i). In case, the petitioners have not filed reply to the main application

filed by respondent Nos.3 and 4 under the Act of 2007, then, it would be open to the petitioners to file reply within a period of 15 days from today raising all the pleas available to them, in accordance with law.

- ii). The Tribunal would, after considering all the pleas raised by both the parties, pass the final order as expeditiously as possible. All the aspects including the aspect of maintainability as well as merits of the case would be finally adjudicated by the Tribunal.

6. It is relevant to note that this Court has not opined on the merits of the case and the same would be considered by the Tribunal independently and in accordance with law.

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

24.07.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No