

CWP-18085-2019

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2023:PHHC:115943

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-18085-2019

Date of decision : 04.09.2023

Baljinder Kaur

... Petitioner

Versus

Sub Divisional Magistrate, Moga and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.C.S.Jattana, Advocate
for the petitioner.

Mr.Rohit Bansal, Sr.DAG, Punjab.

Mr.Dhirinder Chopra, Advocate
for respondent no.2.

None for respondents no.3 and 4.

VIKAS BAHL, J.(ORAL)

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 impugned order dated 21.06.2019 (Annexure P-5) passed by respondent no.1 vide which the application dated 01.06.2017 (Annexure P-4) under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 was allowed.

2. Learned counsel appearing for private respondent has submitted that in view of the law laid down 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 against the impugned order.

3. Learned counsel for the petitioner has submitted that in view of the above, he seeks to withdraw the present petition with liberty to file an appeal before the appellate authority and prayed that since the petitioner has been pursuing the present petition thus, in case the appeal is filed then the same be not dismissed solely on the ground of limitation.
4. Learned State counsel as well as learned counsel for respondent no.2 has no objection to the said course of action.
5. In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioner to file a statutory appeal, in accordance with law. In case the said 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.

(VIKAS BAHL)
JUDGE

September 04, 2023.

Davinder Kumar

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