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

CWP-17288-2022

Date of decision: 28.11.2023

Ram Lubhaya Kayasth

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav Datta, Advocate and
Mr. Vaibhav Bhargav, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

Mr. Vishal Sodhi, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

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 quashing the order of Sub Divisional Magistrate, PCS Derabassi, District SAS Nagar dated 06.06.2022 (Annexure P-7) whereby an application filed by the petitioner under Section 23(1)(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking cancellation of deed No.1378 dated 25.05.2016 has been dismissed.

2. Learned counsel for the petitioner has submitted that impugned order is appealable and thus, he seeks permission of this Court to withdraw the present writ petition with liberty to file an appeal under Section 16 of The Maintenance And Welfare Of Parents And Senior Citizens Act, 2007, in accordance with law. It is further submitted that since, the petitioner was pursuing the present writ petition thus, in case he files an 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 on the ground of limitation.

3. In view of the above, the present Civil Writ Petition is dismissed

as withdrawn with liberty aforesaid.

4. It is made clear that in case the petitioner files the said appeal within a period of thirty days from today then the same be not dismissed solely on the ground of limitation.

5. Learned counsel for respondent No.3 has pointed out that in the present case, on 06.08.2022, the following order was passed by a Coordinate Bench of this Court:-

“CM-11807-CWP-2022

For the reasons stated in the application, the same is allowed, subject to all just exceptions.

Main case (O&M)

Subject of payment of Rs.25,000/- as litigation costs either through electronic transmission in the bank account or by demand draft drawn in favour of respondent No.3, issue notice of motion for 28.09.2022.

Sd/- (ARUN MONGA)

JUDGE

August 06, 2022”

6. Learned counsel for the petitioner has submitted that the said amount has been deposited with the concerned Superintendent of this Hon’ble High Court and he has no objection in case the said amount is released to respondent No.3.

7. In view of the same, Registry is directed to release the said amount of Rs.25,000/- to respondent No.3 deposited as litigation costs in pursuance of order dated 06.08.2022, as per the procedure prescribed under law.

28.11.2023

Pawan

(VIKAS BAHL)

JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No