

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(206)

CWP-19363-2019

Date of decision: - 17.10.2023

Avtar Kaur

....Petitioner

Versus

Sub Divisional Magistrate-cum-Maintenance Tribunal and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Naresh Kaushik, Advocate, for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

None for the remaining respondents.

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**VIKAS BAHL, J. (ORAL)**

1. This writ petition has been filed under Article 226/227 of the Constitution of India for the issuance of an appropriate writ in the nature of certiorari for setting aside order dated 26.03.2019 (Annexure P-1) passed by respondent No.1 allowing maintenance application of respondent No.2 granting maintenance of Rs.4,000/- per month against petitioner under Sections 4 and 5 of the Maintenance and Welfare of Parents & Senior Citizen Act, 2007.

2. Learned State counsel has pointed out that against the impugned order, an appeal lies before the Appellate Tribunal and as per the law 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**, the said appeal is maintainable on behalf of the petitioner also.

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 the statutory appeal before the appellate authority. It is prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files the statutory 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 In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.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.

6. It is made clear that this Court has not opined on the merits of the case and the appellate authority would decide the matter independently, in accordance with law.

**October 17, 2023**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No