

260-A

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16027-2018

Date of decision: 01.08.2023

Hari Kishan and another

...Petitioners

Versus

Additional Deputy Commissioner-cum-Maintenance Tribunal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sanjeev Sharma, Advocate for the petitioners.

Mr. Mohinder S. Nain, Additional Standing Counsel, UT and
Mr. Deepak Malhotra, Standing Counsel
for respondent Nos.1 and 2.

Mr. Vaibhav Narang, Advocate for respondent No.3.

Mr. Ajay Bhardwaj, Advocate for respondent No.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 of order dated 07.06.2018 (Annexure P-4) passed by respondent No.1 under Sections 21 and 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. On 28.07.2023, this Court had passed the following order:-

*“Learned counsel for appearing respondents have submitted that in view of the 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**, the impugned order is appealable before the appellate Tribunal which has been constituted vide notification dated*

01.12.2017.

Learned counsel for the petitioners prays for a short adjournment to get instructions in the matter.

Adjourned to 01.08.2023.

To be taken up at 12:00 PM.

It is made clear that no further adjournment would be granted.

A photocopy of this order be placed on the file of connected case.”

3. Learned counsel for the petitioners has submitted that in view of the same, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioners to file statutory appeal, in accordance with law. It is further prayed that in case, the petitioners file an appeal within a period of one month from today then the Appellate Authority be directed not to dismiss the same solely on the ground of limitation as the petitioners had been pursuing the present writ petition.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is dismissed as withdrawn with liberty to the petitioners to file statutory appeal before the Appellate Authority. In case, the said appeal is filed within a period of one month from today then the same would not be dismissed solely on the ground of limitation by the Appellate Authority.

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

01.08.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No