

**Sr. No. 214**

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

CWP-23912-2021 (O&M)

Date of decision: 19.09.2023

JAGRAJ SINGH AND ANOTHER

...Petitioners

Versus

SUB DIVISIONAL MAGISTRATE-CUM-MAINTENANCE  
TRIBUNAL MORINDA AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. APS Brar, Advocate for the petitioners.

Ms. Jasleen Kaur Sidhu, DAG Punjab  
for respondent No.1.

Mr. C.S. Bagri, Advocate for respondent No. 2.

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

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for quashing the order dated 07.09.2021 (Annexure P-4) passed by SDM-cum-Maintenance Tribunal, Morinda whereby the Transfer Deed dated 16.09.2016 (Annexure P-6) has been cancelled.

2. Learned counsel appearing for respondent No.2 has pointed out that in the present case, against the impugned order, an appeal even at the instance of the petitioners lies under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 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.**

3. Learned counsel for the petitioners has submitted that in view of the same, he seeks permission of this Court to withdraw the present writ petition with liberty to the petitioners to file an appeal but has prayed that in case the appeal is filed within a period of one month from today, then the same be decided on merits and the same be not dismissed solely on the ground of limitation as the petitioners were pursuing the present writ petition.

3. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is dismissed as withdrawn with liberty to the petitioners to file the statutory appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in accordance with law and in case the said appeal is filed within a period of one month from today then the Appellate Authority is directed not to dismiss the same solely on the ground of limitation.

4. All the pending miscellaneous applications, if any, be disposed of in view of the abovesaid order.

**19.09.2023**

*Ajay Goswami*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**