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

CWP-488-2022

Date of decision: 19.10.2023

Paramjeet

...Petitioner

Versus

Presiding Officer, Maintenance and Welfare of Parents and Senior Citizens

Tribunal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Anuj Balian, Advocate for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana
for respondent No.1.

Mr. Manjeet Singh, Advocate for respondent No.2.

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 setting aside the order dated 18.11.2021 (Annexure P-5).

2. On 17.10.2023, this Court had passed the following order:-

*“Learned State Counsel has pointed out that in the present case, the order passed by the Maintenance Tribunal, Sub Division, Rohtak, is appealable under Section 16 of The Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 even at the behest of the petitioner in view of 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.

There is a written request for an adjournment on behalf of learned counsel for the petitioner.

Adjourned to 19.10.2023.

To be taken up at 11:30 pm.”

3. Learned counsel for the petitioner has submitted that in view of the same, he seeks permission of this Court to withdraw the present writ petition with liberty to the petitioner to file statutory appeal before the Appellate Tribunal. It is further submitted that since, the petitioner is pursuing the present remedy thus, in case the petitioner files an appeal within a period of one month from today, then the Appellate Tribunal be directed not to dismiss the same solely on the ground of limitation.

4. Learned counsel for respondent No.2 has submitted that he has no objection to the said course of action.

5. Keeping in view the above said facts and circumstances, the present Civil Writ Petition is dismissed as withdrawn with liberty to the petitioner to file a statutory appeal before the Appellate Authority. 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.

19.10.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No