

2024:PHHC:001911

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

132

**CR No.95 of 2024
Date of Decision:09.01.2024**

Baljeet Kaur @ Baljit Kaur

....Petitioner(s)

Versus

Gurdev Kaur

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rakesh Chopra, Advocate, and
Mr. Jashan Chopra, Advocate,
for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. Vide the present civil revision petition filed under Article 227 of the Constitution of India, the petitioner (respondent before the learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Amloh) seeks setting aside the impugned order dated 18.05.2023 (Annexure P-1) passed by the learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Amloh, wherein application dated Nil (Annexure P-2) for staying the proceedings of the petition filed by the respondent herein under the Maintenance & Welfare of Parents & Senior Citizen Act, 2007 till the decision of Civil Appeal No. 104 of 2019, titled as Gurdev Kaur versus Baljit Singh (Annexure P-5) pending before the Court of the learned District Judge, Fatehgarh Sahib, has been dismissed by passing a non-speaking order.

2. I have heard the learned counsel for the petitioner and perused the impugned order, which is reproduced as under:-

“File presented. Case called. The counsel for the respondent come present. Applicant has not come present in the court. The counsel for the respondent filed the application for staying the proceedings of the case, which is dismissed.

File be presented on 11.07.2023 for written statement.”

3. A perusal of the aforesaid impugned order dated 18.05.2023 shows that without application of mind, the application of the present petitioner has been dismissed in such a cryptic manner.
4. In view of the above, the impugned order dated 18.05.2023 passed by the learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Amloh is hereby set aside and the learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Amloh is directed to pass a fresh speaking order after considering the facts of the application filed by the present petitioner.
5. Disposed of accordingly.

(SUDEEPTI SHARMA)
JUDGE

January 09, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No