

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCOP No.133 of 2024 (O&M)

Date of Decision: 20.03.2024

POOJA SAREEN

....Petitioner

Versus

ZULDHAN SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Yogesh Vashista, Advocate for
Dr. Pankaj Nanhera, Advocate,
for the petitioner.

Mr. J.S. Toor, Advocate and
Mr. Abhiraj Toor, Advocate,
for the respondents-UT Chandigarh.

RAJBIR SEHRAWAT, J. (ORAL)

1. This is a contempt petition filed under Sections 10 to 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India for punishing the respondents for disobedience of the order dated 03.01.2024 passed by the District Magistrate-cum-Appellate Tribunal (under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007) U.T. Chandigarh in appeal No.52/2023.

2. The present contempt petition has been filed qua the alleged violation of the order dated 03.01.2024 passed by the District Magistrate-cum-Maintenance Tribunal, U.T. Chandigarh. However, the said Tribunal does not fall within the definition of the Court; for the purpose of the Contempt of Court. The mechanism of the aforesaid institution is created only for the specific purpose, having no plenary powers of Court, as such. Neither the existence and working of said Tribunal confirms to the concept

of separation of powers, as clarified by the Hon'ble Supreme Court in 'Kesavananda Bharati Sripadagalvaru and others Vs. State of Kerala And Anr.' AIR 1973 Supreme Court 1461, nor is the Presiding Officer of the Tribunal appointed and controlled in the manner as envisaged for the Court under the Constitution of India. Hence, the present petition is not maintainable qua the order dated 03.01.2024 passed in Appeal No.52/2023 by the District Magistrate-cum-Maintenance Tribunal, U.T. Chandigarh

3. Dismissed.

(RAJBIR SEHRAWAT)
JUDGE

20.03.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No