

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CWP-6303-2020

Date of decision: 24.04.2024

Kishlaya Kaushik

....Petitioner

Versus

Presiding Officer Maintenance and Welfare of Parents and Senior
Citizens Tribunal and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Jainika Mohan, Advocate
for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana.

Mr. Nitin Mittal, 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, order or direction especially in the nature of certiorari for quashing of the impugned order dated 17.02.2020 (Annexure P-17) passed by respondent No.1.

2. Learned counsel appearing on behalf of respondent No.2 has submitted that as per the 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**, the impugned order is challengeable before the appellate Tribunal, but in paragraph 27 of the present writ petition it has been stated that the petitioner does not have

any other speedy remedy i.e. appeal/revision.

3. Learned counsel for the petitioner has submitted that in view of the said objection, she seeks permission of this Court to withdraw the present writ petition with liberty to the petitioner to file the second statutory appeal, but has prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files the appeal within a period of 30 days from today, then, the appellate Tribunal be directed not to dismiss the said appeal solely on the ground of limitation.

4. Learned counsel for the respondents have no objection to the said course of action.

5. In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

6. In case the petitioner files any such appeal within a period of 30 days from today, then, the appellate Tribunal would not dismiss the said appeal solely on the ground of limitation.

7. It is made clear that this Court has not opined on the merits of the case and the appellate Tribunal would decide the matter independently, in accordance with law.

April 24, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No