

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

(208)

**2024:PHHC:008872
CWP-8359-2023(O&M)
Date of Decision: 23.01.2024**

Pawan Kumar Joshi

--Petitioner

Versus

Additional Deputy Commissioner-cum-Maintenance

Tribunal & another

--Respondents

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

Present:- Mr. Aayush Gupta, Advocate for petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab for
respondent no.1.

Mr. Rajat Malhotra, Advocate for respondent no.2
(through video conferencing).

VIKAS BAHL.J (Oral)

CM-1227-CWP-2024

Application is allowed as prayed for.

Reply filed on behalf of respondent no.2 along with Annexure

R-1 is taken on record.

Main Petition

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the order dated 08.02.2023 (Annexure P-7), passed by respondent no.1.

2. On 19.01.2024, this Court was pleased to pass the following order:-

*“Learned State counsel as well as counsel for
respondent No. 2 have submitted that the impugned order has
been passed by the Maintenance Tribunal-cum-Additional*

Deputy Commissioner, Khanna and an appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 lies against the said order whereas, in paragraph 17 of the present writ petition, it has been stated that there is no alternate remedy available to the petitioner. Learned counsel for the petitioner prays for a short adjournment to get instructions in the matter. Adjourned to 23.01.2024. To be taken up at 12:00 noon.”

3. Learned counsel for the petitioner has submitted that as per his instructions, there is no provision providing for appeal against the order dated 08.02.2023 (Annexure P-7). Although, the appeal lies under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It is submitted that inadvertently in paragraph 17 of the writ petition, it has been stated by the petitioner that there is no remedy of appeal or revision. Counsel submits that he may be permitted to withdraw the present writ petition with liberty to institute/file a petition after making appropriate averments.

4. Prayer is allowed.

5. Dismissed as withdrawn with the liberty aforesaid.

(VIKAS BAHL)
JUDGE

23.01.2024

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No