

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(101)

CWP-10259-2024

Date of decision: - 03.05.2024

Vikas Beniwal and another

....Petitioners

Versus

District Magistrate-cum-Maintenance Tribunal and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Aman Redhu, Advocate,  
for the petitioners.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

\*\*\*\*

**VIKAS BAHL, J. (ORAL)**

1. This writ petition has been filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the order dated 28.02.2024 (Annexure P-3) vide which the application of the respondent No.2 has been allowed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and ordered eviction of petitioners from the property.

2. Learned State counsel has pointed out that in the present case in view of 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, against the impugned order, an appeal would lie.

3. Learned counsel for the petitioners has submitted that in view

of the said objection, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioners to file the statutory appeal before the appellate authority. It is prayed that since the petitioners were pursuing the present remedy, therefore, in case the petitioners file the statutory appeal within a period of 7 days from today, then, the appellate authority be directed not to dismiss the said appeal solely on the ground of limitation.

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 In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

5. In case the petitioners file any such appeal within a period of 7 days from today, then, the appellate authority would not dismiss the said appeal solely on the ground of limitation.

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

May 03, 2024  
naresh.k

( VIKAS BAHL )  
JUDGE

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