

**CWP-11699-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(101)****CWP-11699-2024****Date of decision: - 18.05.2024****Ranjit Singh and another****....Petitioners****Versus****Additional District Magistrate, Amritsar and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Harjot Singh Bedi, Advocate,
for the petitioners.

Mr. TPS Walia, AAG, Punjab.

Mr. Anil Shukla, Advocate
for Mr. Rajinder Sharma, Advocate,
for respondent No.3.

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

1. Present writ petition has been filed under Article 226/227 of the Constitution of India praying for the issuance of a writ of certiorari for setting aside the order dated 12.01.2024 (Annexure P-19) passed by the Additional District Magistrate, Amritsar and order dated 04.10.2021 (Annexure P-17) passed by the SDM, Majitha, whereby the application filed by respondent No.3 has been accepted.

2. Learned counsel for the petitioners has submitted that the petitioners were not served in the present case and for the said argument, has referred to the zimni orders as well as the summons, which have been annexed along with the petition. It is prayed that in view of the same, the

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impugned orders be set aside and the petitioners be granted an opportunity to file reply to the main application filed by respondent No.3 and has further submitted that the said reply would be filed within a period of one month from today. It is further argued that in order to show their bonafide, the petitioners are ready to pay an amount of Rs.4,00,000/- in lump sum to respondent No.3 in four equal monthly installments and the first installment of Rs.1,00,000/- would be paid on or before 15.06.2024, the second installment of Rs.1,00,000/- would be paid on or before 15.07.2024, third installment of Rs.1,00,000/- would be paid on or before 15.08.2024 and the fourth installment of Rs.1,00,000/- would be paid on or before 15.09.2024. It is further submitted that the petitioners are also ready to pay an amount of Rs.40,000/- per month, starting from today and would pay the first amount of Rs.40,000/- on or before 18.06.2024 and the said amount payable per month is in addition to the amount of Rs.4,00,000/- which the petitioners have to pay. It is further submitted that the petitioners are also ready to keep respondent No.3 in their house and would take full care of respondent No.3. It is further undertaken before this Court that in case the said amounts are not paid in the manner undertaken, then, the present petition would be deemed to be dismissed.

3. Learned counsel appearing for respondent No.3 has submitted that the passing of the present order and even acceptance of the said amounts by respondent No.3 should not be treated as an estoppel against respondent No.3 to raise all the pleas before the authorities as the petition is only being remanded back on account of the non-service of the

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petitioners. It is further submitted that the petitioners who have undertaken to pay Rs.40,000/- per month be directed to continue to pay the same till the time the matter is finally decided by the Maintenance Tribunal.

4. Keeping in view the above-said facts and circumstances and the joint statement made on behalf of learned counsel for the petitioners as well as learned counsel for respondent No.3, the present writ petition is disposed of with the following directions/observations: -

- (i) The impugned orders dated 12.01.2024 (Annexure P-19) and dated 04.10.2021 (Annexure P-17) are set aside, subject to the petitioners jointly paying an amount of Rs.40,000/- per month to the respondent No.3 from today and the first installment is to be paid to respondent No.3 and deposited in his bank account on or before 18.06.2024 and would continue to pay the said amount of Rs.40,000/- per month, till the time the matter is finally decided by the Maintenance Tribunal and also subject to the petitioners jointly paying an amount of Rs.4,00,000/- to respondent No.3, as undertaken by them, before this Court, in four equal installments, the first installment of Rs.1,00,000/- would be paid on or before 15.06.2024, second installment of Rs.1,00,000/- would be paid on or before 15.07.2024, third installment of Rs.1,00,000/- would be paid on or before 15.08.2024 and the fourth installment of Rs.1,00,000/- would be paid on or before 15.09.2024.

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- (ii) In case of non-deposit of the above-said amounts on the dates mentioned or non-payment of maintenance of Rs.40,000/- per month on any month, the present writ petition would be deemed to be dismissed and it would be open to respondent No.3 to get the impugned orders executed/implemented.
- (iii) Till the matter is finally decided, the petitioners would not further alienate the properties in question.
- (iv) The parties are directed to appear before the Maintenance Tribunal on 06.06.2024 and the petitioners would file their reply, within a period of one month from the said date and thereafter, respondent No.3 would be at liberty to file rejoinder, if any.

May 18, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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