



CWP-13126-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13126-2024

Date of decision : 29.05.2024

Swaran Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.H.S. Dhindsa, Advocate
for the petitioner.

Mr.T.P.S. Walia, AAG, Punjab.

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 in the nature of certiorari for modifying the order dated 16.12.2022 (Annexure P-6) passed by respondent no.3.

2. Learned State counsel has submitted that against the impugned order dated 16.12.2022 (Annexure P-6), an appeal is maintainable under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

3. Learned counsel for the petitioner, in view of the same, seeks to withdraw the present petition with liberty to file a statutory appeal before

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the appellate authority. Learned counsel for the petitioner has submitted that in the earlier round of litigation, the Coordinate Bench of this Court vide order dated 21.05.2021 (Annexure P-4) had directed the Tribunal to rehear the matter after conducting an enquiry. It is further submitted that since the petitioner was never given any notice by the Tribunal, thus, contempt notice dated 03.10.2022 was given and subsequently a contempt petition i.e., COCP-2496-2022 was filed for non-compliance of the order dated 21.05.2021 passed by the Coordinate Bench of this Court. It is stated that only during the pendency of the contempt petition, a copy of the order dated 16.12.2022 was supplied along with reply to the petitioner and thereafter the contempt petition was dismissed as infructuous vide order dated 10.05.2024. It is further stated that since the petitioner was pursuing the present petition, thus, it is prayed that in case the petitioner files an appeal within a period of one month from today, the appellate authority be directed not to dismiss the same solely on the ground of limitation.

4. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty. In case, the petitioner files an appeal within a period of one month from today, the appellate authority is directed not to dismiss the same solely on the ground of limitation.

(VIKAS BAHL)
JUDGE

May 29, 2024*Davinder Kumar*

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No