

**CWP-16418-2020****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(212)****CWP-16418-2020****Date of decision: - 13.05.2024****Abtar Ram Lagah****....Petitioner****Versus****State of Punjab through Financial Commissioner and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Saksham Khunger, Advocate
for Mr. Sandeep Khunger, Advocate,
for the petitioner.

Mr. TPS Chawla, Sr. DAG, Punjab.

Mr. G.S. Brar, Advocate, for respondent No.3(i).

Ms. Shinjan Advocate,
for Mr. Rajat Malhotra, Advocate

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 26.09.2019 (Annexure P-5) passed by respondent No.2 vide which the application under Section 23 of the Maintenance & Welfare of Parents & Senior Citizens Act, 2007 filed by respondent No.3 has been allowed.

2. Learned counsel appearing for the private respondents have jointly pointed out that the impugned order has been passed by the SDM-cum-Tribunal, Phillaur and against the said order, an appeal is maintainable under Section 16 of The Maintenance And Welfare Of



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Parents And Senior Citizens Act, 2007 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.*, whereas, in para No.12 of the writ petition, it has been mentioned that there is no other alternative remedy of appeal or revision against the impugned order.

3. Learned counsel for the petitioner 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 petitioner to file the statutory appeal before the appellate authority. It is prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files the statutory appeal within a period of one month 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 In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.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 petitioner files any such appeal within a period of one month 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 13, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No