

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP-16674-2022(O&M)
Decided on :20.03.2024

Rukmani

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. S. K. Tripathi, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana
for respondent Nos. 1 and 2.

Mr. Mukesh Kumar Verma, Advocate
for respondent No. 3.

VIKAS BAHL, J.(ORAL)

1. Present Civil Writ Petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari quashing the impugned order dated 02.04.2021 (Annexure P-2) passed by respondent No. 2 vide which the petitioner's application has been dismissed.

2. Learned counsel for respondent No. 3 has pointed out that in the present case, an appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 lies against the order dated 02.04.2021.

3. Learned counsel for the petitioner has submitted in view of the same, he may be permitted to withdraw the present petition with liberty to file a statutory appeal. It is further submitted that in case, the petitioner files the said 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 as the petitioner is pursuing the present writ petition.
4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is dismissed as withdrawn with liberty to file statutory appeal. In case, the petitioner files the statutory appeal within a period of one month from today, then the appellate Authority is directed not to dismiss the same solely on the ground of limitation.
5. Pending miscellaneous application, if any, shall stand disposed of with the abovesaid order.

(VIKAS BAHL)

JUDGE

20.03.2024

Mehak

Whether reasoned/speaking?

Yes/~~No~~

Whether reportable?

~~Yes~~/No