

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-22982-2021
Date of decision : 09.02.2024

Ram Pal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Amit Dhawan, Advocate and
Mr. Deep Kanwal Singh, Advocate for the petitioner.

Mr.Kunal Muthreja, AAG, Punjab.

Mr.Shubham Goyal, Advocate for respondent no.4.

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 quashing the impugned order dated 02.11.2019 (Annexure P-7) passed by the Sub Divisional Magistrate, Nakodar, District Jalandhar-respondent no.3 under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
2. On 31.01.2024, this Court was pleased to pass the following order:-

“Mr. Shubham Goyal, Advocate has appeared on behalf of respondent No. 4 and filed memo of appearance which is taken on record.

*Learned State counsel as well as counsel for respondent No. 4 has submitted that the impugned order is appealable under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in view of the law laid down in the judgment passed by the Division Bench of this Court in **Paramjit Kumar Saroya Vs. Union of India and another**,*

reported as 2016(3) RCR (Civil) 146, whereas in paragraph 23 of the writ petition, it has been mentioned that there is no other remedy available to him for appeal or revision.

Learned counsel for the petitioner prays for a short adjournment to get instructions in the matter.

Adjourned to 09.02.2024 for arguments.

To be taken up at 12.00 noon.

It is made clear that no further adjournment shall be granted on the next date of hearing.

(VIKAS BAHL)
JUDGE

31.01.2024”

3. Learned counsel for the petitioner has submitted that in view of the same, the petitioner be permitted to withdraw the present petition with liberty to file a statutory appeal under Section 16 before the Appellate Tribunal and has prayed that since the petitioner has been pursuing the present petition, thus, in case the said appeal is filed by the petitioner within a period of one month from today, then the Appellate Tribunal be directed not to dismiss the same solely on the ground of limitation.
4. In view the above, the present petition is dismissed as withdrawn with liberty to the petitioner to file a statutory appeal against the order dated 02.11.2019 (Annexure P-7). In case the said appeal is filed by the petitioner within a period of one month from today, the Appellate Tribunal would not dismiss the same solely on the ground of limitation.
5. It is made clear that this Court has not opined on the merits of the case and it is open to both the parties to raise all pleas before the Appellate Tribunal which would decide the appeal independently, in accordance with law.

February 09, 2024
Davinder Kumar

(VIKAS BAHL)
JUDGE

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