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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-27147-2019 (O&M)

Date of decision: 18.04.2024

Kaushalya Devi and another

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Priyavrat Parashar, Advocate for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Ishan Khetarpal, Advocate for respondent No.2.

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

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing/setting aside the order dated 16.07.2019 passed by the Appellate Tribunal, Kaithal.

2. Learned counsel for the petitioners has submitted that petitioner No.1 has passed away and she was owner of the property and as per their case, she had transferred the property to petitioner No.2 who is a senior citizen. It has been submitted that in view of the said changed circumstances, both the impugned orders be set aside and petitioner No.2 be granted liberty to file a fresh application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter to be referred as “the 2007 Act”).

3. Learned counsel for respondent No.2 has submitted that respondent No.2 has no objection to the said course of action but has submitted that respondent No.2 be granted liberty to raise all the legal arguments in

accordance with law in the reply to be filed to the said application and also at the time of final hearing.

4. Today no one has put in appearance on behalf of respondent No.3 in spite of service.

5. Keeping in view the abovesaid facts and circumstances and joint submissions made on behalf of learned counsel for petitioner No.2 and contesting respondent No.2, the present Civil Writ Petition is disposed of with the following observations:-

- a) Orders dated 18.12.2018 (Annexure P-1) and 16.07.2019 (Annexure P-2) are set aside and liberty is granted to petitioner No.2 to move a fresh application under the 2007 Act.
- b) In the said application, it would be open to respondent No.2 and all the other respondents to raise all the pleas on merits and which are available to the said respondents.
- c) The Tribunal, before whom the said application is filed, would decide the same on the basis of the pleas, evidence and arguments raised independently of the observations made in the orders (Annexures P-1 and P-2).
- d) This Court has not opined on the merits of the case and the Tribunal would decide the same independently, in accordance with law as expeditiously as possible.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

**18.04.2024**

*Pawan*

**(VIKAS BAHL)**  
**JUDGE**

**Whether speaking/reasoned:- Yes/No**  
**Whether reportable:- Yes/No**