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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-35876-2019
Date of decision: 15.04.2024

Pooja Nagpal and another
...Petitioners

Versus

Sub Divisional Magistrate Jagadhri and another
...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rakesh Bakshi, Advocate for the petitioners.
Ms. Rajni Gupta, Addl. A.G., Haryana.
Mr. R.S. Bajaj, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of Constitution of India with issuance of writ in the nature of certiorari to quash the order dated 06.11.2019 (Annexure P-8) passed by the Sub Divisional Magistrate, Jagadhri in case bearing No.06/Maintenance Act.
2. Learned counsel for respondent No.2 has raised preliminary objection and has submitted that the impugned order is appealable in view of law laid down by the Division Bench of this Court in in Paramjit Kumar Saroya Vs. Union of India and another, reported as 2016(3) RCR (Civil) 146, and it has been submitted in para 10 of the writ petition that the petitioners have no alternative remedy of appeal or revision.

3. Learned counsel for the petitioners has submitted that in view of objection taken by respondent No.2, he seeks permission of this Court to withdraw the present writ petition with liberty to the petitioners to avail alternative statutory remedy of appeal in accordance with law. It is further prayed that since, the petitioners are pursuing the present writ petition, thus in case the said appeal is filed within a period of one month from today, then the Appellate Authority be directed not to dismiss the same solely on the ground of limitation.
4. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.
5. It is made clear that in case the said appeal is filed 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.
6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

15.04.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No