

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

102

CWP-11671-2021

Date of Decision : August 28, 2025

SATBIR SINGH

-PETITIONER

V/S

**DISTRICT MAGISTRATE CUM MAINTENANCE TRIBUNAL
AND ORS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, a prayer has been made for setting aside the order dated 09.02.2021, whereby the petitioner's application under Section 22 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, has been dismissed.

2. The learned counsel for the petitioner fairly submits that, in view of the decision rendered by the Co-ordinate Bench of this Court upon CWP-26035-2023, the application ought to have been decided by the Maintenance Tribunal at the first instance. However, it was transferred to the District Magistrate, who is the appellate authority. Therefore, the impugned order passed by the District Magistrate warrants interference by this Court and is liable to be remanded to the Maintenance Tribunal for a fresh decision on merits.

3. The submissions of the learned counsel for the petitioner are

not opposed by the learned State counsel, and he also submits that the decision ought to have been made by the Maintenance Tribunal at the first instance.

4. In view of the above, the **impugned order is set aside** and the **matter is remanded** to the Maintenance Tribunal concerned for a fresh decision on merits. The decision shall be made only after giving adequate opportunity of hearing to both the parties. The Maintenance Tribunal concerned shall make all endeavour to decide the matter within four months from the date of receipt of a certified copy of this order.

5. **Disposed of accordingly.**

August 28, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No