

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

Date of Decision : 05-02-2025

.....Petitioner

DEPUTY COMMISSIONER CUM APPELLATE AUTHORITY AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Chandeeep Singh, Advocate
For respondent Nos.4 and 5.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the order of the Tribunal dated 24.01.2022 (Annexure P-1) by which, an application has been filed by the senior citizens under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 hereinafter called the 2007 Act was accepted. It is the grievance of the petitioner that appeal filed by her against the order dated 24.01.2022 has been rejected on the ground that the appeal can only be preferred by the senior citizens in case, aggrieved against the order of the Tribunal and not by other party.

2. Learned counsel for the petitioner submits that the said decision of the appellate authority envisaged under Section 23 of the 2007 Act dated 21.04.2022 (Annexure P-2) is contrary to the settled principle of law settled by the Division Bench of this Court in CWP No.7282 of 2010 titled “*Paramjit Kumar Saroya Vs. The Union of India and anr.*”, decided on 28.05.2013.

3. Learned counsel for the respondent has not been able to rebut the said fact that keeping in view the judgment in *Paramjit Kumar Saroya’s case (supra)*, the appeal can be filed by the aggrieved party irrespective of whether the same is by the senior citizens or the respondents; thus, while keeping in view the settled principle of law that an appeal against the order of the Tribunal is maintainable before the appellate authority, filed by the aggrieved party, whoever it may be, the appeal filed by the petitioner should have been entertained and decided on merit rather than it being summarily rejected solely on the ground of maintainability.

4. Keeping in view the totality of circumstances, the order passed by the appellate authority dated 21.04.2022 (Annexure P-2) is set aside and consequently the case is remanded back to the appellate authority for correct adjudication upon the issue which is to be decided on merits after giving due opportunity of hearing to the parties as envisaged.

5. Pending application, if any, also stands disposed of.

05-02-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO