



CWP-18209-2024 and connected case :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-18209-2024 (O&M)
Date of decision : 16.01.2025

SWARAN KAUR AND ANOTHER

..... Petitioners

VERSUS

APPELLATE MAINTENANCE TRIBUNAL-CUM-ADC AND OTHERS

..... Respondents

CWP-18399 of 2024 (O&M)

HARBHAGAT SINGH AND ANOTHER

..... Petitioners

VERSUS

APPELLATE MAINTENANCE TRIBUNAL-CUM-ADC AND
ANOTHER

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Nirmal Singh, Advocate
for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Aashish Chopra, Senior Advocate with
Mr. Gagandeep Singh, Advocate
for respondent No.3 in both cases.

Harsimran Singh Sethi, J. (Oral)

1. Reply in (CWP-18399 of 2024) on behalf of respondent No.3
has been filed in Court today and the same is taken on record, subject to just
exceptions. A copy thereof has been supplied to the counsel opposite.

Learned counsel for the respondent-son submits that it is a



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conceded fact that against the order dated 20.03.2019 (Annexure P-8) of the Tribunal under Section 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act'), an appeal was preferred by the respondent-son, which appeal was withdrawn on 12.02.2020 (Annexure P-10) and thereafter, another appeal was preferred by him, which has resulted into the impugned order. Hence, the said impugned order passed by the Appellate Authority dated 12.07.2024, copy of which has been appended as Annexure P-1 be set aside but liberty be given to the son to file appropriate application for the revival of the first appeal which is stated to be withdrawn as, the said withdrawal, according to the son was not proper.

3. Said proposal of the learned Senior counsel appearing on behalf of the respondent-son has been accepted by the learned counsel for the petitioner.

4. Keeping in view the joint prayer of the parties, the impugned order is *set aside* with the liberty to respondent No.3-son to avail appropriate remedy with regard to the revival of his first appeal against the order passed by the Tribunal dated 20.03.2019 (Annexure P-8). Any action undertaken qua implementation of the impugned order which has been *set aside* now, will also deemed to have been *set aside*.

5. Learned counsel for respondent No.3-son submits that as the issue is pending consideration between the parties since long, the Appellate Authority may kindly be directed to decide the said application of revival of Ist appeal expeditiously in a time bound manner so that neither of the



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parties suffer in any manner.

6. Keeping in view the said request of respondent No.3 which is not opposed by the petitioners, in case any application is filed by respondent No.3 to revive his first appeal, appropriate order be passed by the Appellate Authority as required in the facts and circumstances of the present case within a period of 08 weeks of the submission of any such application by respondent No.3.

7. It may be noticed that this Court is not expressing any opinion on the merit of the said application, the same will be decided by the Appellate Authority keeping in view the facts of the case and settled principle of law as well as the required procedure envisaged.

8. Present petitions are disposed of in above terms.

9. A photocopy of this order be placed on the connected case file numbered above.

(HARSIMRAN SINGH SETHI)
JUDGE

16.01.2025
Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No