



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

CWP-17968-2025

Date of Decision : 20.11.2025

HARBANS KAUR

-PETITIONER

V/S

**SUB-DIVISIONAL MAGISTRATE SARDULGARH-
CUM-COMPETENT OFFICER AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aakash Singla, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

Mr. Akashdeep Miglani, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, a challenge has been laid to the order dated 13.09.2023/04.11.2024, whereby the respondent No.1-Maintenance Tribunal allowed the application filed by the respondent No.2 (senior citizen) under Section 23 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the 'Act of 2007').

2. At the very outset, this Court confronted learned counsel for the petitioner with Section 16 of the Act of 2007 and posed a query as to why the statutory appeal has not been filed against the impugned order.

Learned counsel for the petitioner submitted that the remedy under the Act of 2007 is available only to senior citizens and not to the petitioner.

3. Learned State counsel, who is in receipt of advance notice, draws the attention of this Court to a judgment dated 28.05.2014, delivered by a Division Bench of this Court in CWP-7282-2010, to submit that the above issue has already been examined by the Division Bench. The Division Bench interpreted the provisions of Section 16(1) of the Act of 2007 to hold that the other party also has a right to appeal. The relevant portion of the judgment dated 28.05.2014 is extracted hereunder:-

“We are thus of the view that Section 16(1) of the said Act is valid, but must be read to provide for the right of appeal to any of the affected parties.”

4. Although learned counsel for the petitioner referred to judgments passed by different High Courts, wherein a view different has been taken, however, this Court does not find any reason to take a view different than the one taken by the Division Bench of this Court in CWP-7282-2010, as it, in fact, provides one more forum to the petitioner and operates in his interest.

5. Faced with the above, learned counsel for the petitioner wishes to withdraw the instant petition, with liberty to file a statutory appeal before the learned Appellate Authority concerned.

6. Asked for request is accepted, and the instant petition stands **dismissed as withdrawn**, with the aforesaid liberty.

7. However, the interim order, as granted by this Court, vide order dated 02.07.2025, shall remain in force, for next 30 days only from the date of passing of this order.

8. In the meantime, the petitioner is at liberty to file an application seeking interim relief alongwith the statutory appeal before the learned Appellate Authority concerned.

November 20, 2025
dharamvir/hitesh

(KULDEEP TIWARI)
JUDGE

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