



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP-22098-2022 (O&M)
Date of decision : 19.02.2025

HARISH KUMAR

..... Petitioner

VERSUS

DISTRICT MAGISTRATE-CUM-APPELLATE TRIBUNAL, ROHTAK
AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Manjeet Singh, Advocate
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Deepak Girotra, Advocate and
Ms. Nirmala Jangra, Advocate
for respondent No.3.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 01.06.2022 (Annexure P-10) by which, the appeal filed by the petitioner against the order dated 25.03.2021 (Annexure P-7) passed by the Maintenance Tribunal has been rejected on the ground that keeping in view Section 16 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as '2007 Act'), the appeal is not maintainable at the hands of the children even if they are aggrieved against the order passed by the Tribunal.

2. Learned counsel for the petitioner submits that the said issue has already been decided by Division Bench of this Court while passing order in **CWP No.7282 of 2010 titled as "Paramjeet Kumar Saroya Vs. Union of India and another" decided on 28.05.2014** hence, the order passed by the Appellate



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Authority dated 01.06.2022 (Annexure P-10) is against the settled principle of law which was in existence even on the date when the appeal was dismissed as not maintainable.

3. Learned counsel for the respondent does not dispute that as per the settled principle of law in Paramjeet Kumar Saroya (supra), the appeal is maintainable by any party who is aggrieved against the order of the Maintenance Tribunal.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Keeping in view the settled principle of law settled by the Division Bench in Paramjeet Kumar Saroya (supra), the order dated 01.06.2022 (Annexure P-10) passed by the Appellate Authority dismissing the appeal on the ground that the same is not maintainable keeping in view Section 16 of 2007 Act is contrary to the settled principle of law and the impugned order dated 01.06.2022 is accordingly set aside the case is remanded back to Appellate Authority to decide the appeal filed by the petitioner expeditiously preferably within a period of four months.

6. Parties are directed to appear before the Appellate Authority on 19.03.2025.

7. Present petition is disposed of in above terms.

8. Pending applications, if any, also stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

19.02.2025
Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No