

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

105

CWP-23447-2024

Date of Decision : September 24, 2025

ASHISH AND ANR.

-PETITIONERS

V/S

ADDITIONAL DISTRICT MAGISTRATE, AMBALA AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aayush Gupta, Advocate
for the petitioners.

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

Mr. Vikram Rathore, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The present writ petition impugns the order dated 30.03.2021, whereby the respondent No.1 not only entertained the application filed by the respondent No.2 under Section 22 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the 'Act of 2007'), read with the applicable Action Plan, but also directed the petitioners to vacate the house in question, which is owned by the respondent No.2, the stepmother of the petitioner No.1.

2. At the very outset, a preliminary objection has been raised by learned counsel for the petitioners to the effect that, following the issuance of the notification dated 08.12.2020, the application (*supra*) was required to be filed before the Maintenance Tribunal, which has been vested with statutory jurisdiction to entertain it. However, the application (*supra*) was

erroneously filed before the Additional District Magistrate, who is otherwise vested with appellate jurisdiction by virtue of Section 16 of the Act of 2007. Consequently, the impugned order has been passed on a misconceived motion filed by the respondent No.2, and hence requires interference by this Court.

3. Learned counsel for the respondent No.2, although not contesting the legal proposition that the application (*supra*) ought to have been filed before the Maintenance Tribunal, nonetheless submits that the cause of action for the petitioners to maintain the present writ petition no longer survives, as they have already vacated the house in question. Therefore, remanding the *lis* before the Maintenance Tribunal-cum-Sub Divisional Magistrate would not serve any purpose.

4. In view of the undisputed legal proposition (*supra*), this Court is of the view that the impugned order passed by the respondent No.1- Additional Deputy Commissioner, Ambala, is without jurisdiction and requires interference. Consequently, the **impugned order is set aside** and the *lis* is remanded to the Maintenance Tribunal-cum-Sub Divisional Magistrate, Ambala, for a fresh decision on the application (*supra*) in accordance with law. The parties shall be given due opportunity of hearing before a decision is made on the application (*supra*). Moreover, the parties are directed to maintain the *status quo* as it exists on date until the decision on the application (*supra*).

5. **Disposed of accordingly.**

September 24, 2025
devinder

(KULDEEP TIWARI)
JUDGE

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