

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

CWP-26100-2022 (O&M)

Date of decision: 14.10.2025

Kaptan Singh

....Petitioner

Versus

Commissioner-cum-Appellate Authority, Sonipat and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Rajat Gautam, Additional A.G., Haryana.

Mr. Arun Singhal, Advocate,
for respondent No.3.

Mr. Sukhdeep Singh, Advocate,
for respondent No.4.

KULDEEP TIWARI, J. (Oral)

1. By way of instant writ petition, as cast under Article 226/227 of the Constitution of India, an order dated 30.11.2011 (Annexure P-4), has been put to challenge, vide which, the appeal preferred by respondent No.3 has been allowed by the learned Appellate Authority-respondent No.1, thereby setting aside the order dated 18.06.2019 (Annexure P-3), and remanding the matter to the learned Maintenance Tribunal, for re-consideration and decision afresh.

2. Shorn of the unnecessary details, the facts of the case are that the petitioner, who is a senior citizen, had filed an application, under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, the Act'), before the learned Maintenance Tribunal, for eviction of respondent No.3 and 4, who are his daughter-in-

law and son, respectively. After considering the matter in issue, and also the reply furnished by the respondents, the learned Maintenance Tribunal, vide order dated 18.06.2019 (Annexure P-3), accepted the application, and issued a direction upon the respondents to vacate the house immediately. Further, they were also restrained from entering the house of the senior citizen-petitioner.

3. Fetching grievance from the order (supra), daughter-in-law of the petitioner (respondent No.3), preferred a statutory appeal. After analyzing the entire backdrop of the *lis*, the learned Appellate Tribunal has categorically observed that the house in question is the ancestral property of the petitioner, therefore, the respondents too have equal right thereupon. However, since the abovesaid factual aspect of the matter was not considered by the learned Maintenance Tribunal, the order dated 18.06.2019 (supra), was set aside by the learned Appellate Tribunal, vide the order impugned, and remitted the matter for re-consideration. Hence, the petitioner is before this Court.

4. The sole argument raised by learned counsel for the petitioner, while placing reliance upon Section 16 and 22 of the Act of 2007, is that since the daughter-in-law of the petitioner is not a senior citizen, the appeal preferred by her was not maintainable.

5. This Court has heard learned counsel for the parties, and perused the records.

6. As far as the contention raised on behalf of the petitioner is concerned, a Division Bench of this Court, in a decision dated 28.05.2014, rendered in CWP-7282-2010, has already examined the issue. The Division Bench has interpreted the provisions of Section 16(1) of the Act of 2007, 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.”

7. Further, *ex facie*, the learned Appellate Tribunal has remanded the matter for re-consideration, in the light of the crucial factual aspect, as has been demonstrated above, which may have a decisive bearing on the matter in issue. Therefore, this Court finds no reason to dissuade with the view taken by the learned Appellate Tribunal.

8. At this stage, it is submitted on behalf of the petitioner that, as the matter has not made any tangible progress, the learned Tribunal may be directed to decide the *lis*, expeditiously.

9. Since, the abovesaid prayer is a *bona fide* and innocuous, the same is acceded to. Accordingly, a Mandamus is passed upon the learned Maintenance Tribunal concerned to decide the matter, most expeditiously, and in any case, not later than six months from the receipt of a certified copy of this order.

10) The instant writ petition stands **disposed of**, accordingly.

(KULDEEP TIWARI)
JUDGE

14.10.2025
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No