

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

107

CWP-25600-2025

Date of Decision : September 05, 2025

RAKHEE DEWAN

-PETITIONER

V/S

**ADDITIONAL DEPUTY COMMISSIONER CUM MAINTENANCE
TRIBUNAL AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Anil Sharma, Advocate
for the respondent No.1.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, a challenge has been laid to the order dated 05.08.2025, whereby the respondent No.1- Maintenance Tribunal declared the Transfer Deed No.1928 dated 26.06.2013 to be null and void.

2. At the very outset, this Court confronted learned counsel for the petitioner with Section 16 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 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 counsel representing the U.T. Chandigarh, 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 her interest.

5. Consequently, the petitioner is relegated to the appellate authority/tribunal concerned. In the event that the petitioner files the statutory appeal under Section 16(1) within 15 days from today, along with an application for condonation of delay, it is expected that the appellate authority/tribunal shall decide the delay application by considering the fact that the petitioner had *bona fide*ly approached this Court at the first instance to agitate her claim.

6. The impugned order shall not be executed till the next 15 days. In case, the petitioner files an application for stay of the impugned order, along with the statutory appeal, the appellate authority/tribunal shall decide

the said application on its own merits, without getting influenced from the interim stay granted by this Court only till the next 15 days.

7. Disposed of accordingly.

September 05, 2025
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(KULDEEP TIWARI)
JUDGE

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