



CWP-7699-2023 (O&M)

1

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

(209)

CWP-7699-2023 (O&M)

Date of Decision : 29.01.2026

Jeewani Bai

...Petitioner

Versus

Learned Appellate Tribunal (senior citizen)
cum Deputy Commissioner, Rohtak and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. D.K. Tuteja, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. AG, Haryana.

Mr. Deepak Girotra, Advocate and
Mr. Prajjwal Jaiswal, Advocate
for respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Application for placing on record copy of release deed dated 31.05.2018 (Annexure P-4) and legal notice dated 18.11.2025 (Annexure P-5), is allowed, as prayed for, and the same are taken on record subject to just exceptions.

2. The petitioner/senior citizen, has knocked the doors of this Court, through the instant writ petition, cast under Article 226/227 of the Constitution of India, to throw challenge to the order dated 27.01.2023/01.02.2023 (Annexure P-2), as passed by the learned Appellate Tribunal-cum-Deputy Commissioner, Rohtak, whereby the appeal preferred under Section 16 of the Maintenance and Welfare of Parents and Senior Citizen's Act, 2007 (hereinafter to be referred as 'the Act of 2007'), as well as, order dated 05.07.2022 (Annexure P-1), as passed by learned Maintenance Tribunal-cum-



Sub Divisional Magistrate, Rohtak, wherethrough application preferred under Sections 22 and 23 of the Act of 2007, was dismissed.

3. Learned counsel for both the parties are *ad idem* that effective opportunity of hearing was not given to them to lead cogent evidence to establish their respective claims, and they made a collective statement that orders (supra), requires interference of this Court.

4. This Court has heard the learned counsel for the parties concerned, and has also perused the orders (supra), and is of the considered opinion that learned Appellate Court concerned, has not considered the submissions on merits, as raised by the respondent-daughter. Even, the learned Maintenance Tribunal concerned, has not given any opportunity to the petitioner to refer that transfer deed was subject to any condition. Therefore, with the consent of learned counsel for both the parties concerned, both the impugned orders, are hereby **set aside**, and the instant *lis* is **remanded back** to learned Maintenance Tribunal concerned, who after affording an opportunity of hearing to both the parties and opportunity to lead evidence, shall pass afresh order.

5. The exercise (supra), shall be carried out within a period of six months, from the date of receipt of certified copy of this order. Both the parties are directed to cause appearance before learned Maintenance Tribunal, Rohtak, on 10.02.2026, at 11.00 a.m.

6. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

January 29, 2026

Manpreet

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No