

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

109

CWP-17754-2026

Date of Decision : May 29, 2026

SURJIT SINGH AND ANOTHER

-PETITIONERS

V/S

THE SDM CUM TRIBUNAL AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ajay Pal Singh, Advocate
for the petitioners.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, a challenge has been laid to the order dated 04.12.2025 passed by the Sub-Divisional Magistrate-cum-Presiding Officer, Maintenance Tribunal, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the “Act of 2007”).
2. The impugned order is appealable under Section 16 of the Act of 2007, however, no statutory appeal has been filed thereagainst.
3. Learned counsel for the petitioners submits that the Maintenance Tribunal has failed to exercise the jurisdiction vested in it by law and, therefore, the petitioner has directly invoked the writ jurisdiction of this Court under Article 226/227 of the Constitution of India.
4. There is no dispute that the impugned order can ably be assailed by filing the statutory appeal under Section 16 of the Act of 2007. Therefore, the instant writ petition is disposed of with liberty to the

petitioners to file the statutory appeal. In the event that the petitioners file the statutory appeal under Section 16 within 30 days from today, along with an application for condonation of delay, it is expected that the Appellate Tribunal shall decide the delay application by considering the fact that the petitioners had *bona fidely* approached this Court at the first instance to agitate their claim. Further, in case the statutory appeal is filed within the stipulated period, the Appellate Tribunal shall ensure to decide the same within a period of two months from the date of its institution, after giving due opportunity of hearing to the parties.

5. **Disposed of accordingly.**

May 29, 2026		(KULDEEP TIWARI)
devinder		JUDGE
	Whether speaking/reasoned	: Yes/No
	Whether Reportable	: Yes/No