



CWP-26127-2025

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

(203)

CWP-26127-2025

Date of Decision : 12.02.2026

Shagun Jayani

...Petitioners

Versus

Rajindra Kumari and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajesh Narang, Advocate and
Mr. Abhinav Narang, Advocate
for the petitioners.

Ms. Simanpreet Dhawan, Advocate for
Mr. Vikas Singh, Advocate
for respondent No.1.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, the petitioners have thrown challenge to the order dated 05.08.2025 (Annexure P-11), as passed by the learned Appellate Tribunal-cum-Additional Deputy Commissioner, Fazilka, whereby, the appeal preferred by respondent No.1, 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'), was allowed, and order dated 10.02.2025 (Annexure P-10), as passed by learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Abohar, wherethrough application preferred by respondent No.1, under Section 23 of the Act of 2007, was set aside.



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2. Learned counsel for both the parties are *ad idem* that learned Appellate Tribunal-cum-Additional Deputy Commissioner, Fazilka, has no jurisdiction to pass an order under Section 16 of the Act of 2007, as the same is required to be passed by learned Deputy Commissioner or the District Magistrate, concerned, which is the competent authority under the Act.

3. Therefore, with the consent of learned counsel for both the parties concerned, the order impugned, is hereby **set aside**, and the instant *lis* is **remanded** to learned Deputy Commissioner/District Magistrate, concerned, who after affording an opportunity of hearing to both the parties and opportunity to lead evidence, shall pass afresh order.

4. The exercise (supra), shall be carried out within a period of eight weeks, from the date of receipt of certified copy of this order. Both the parties are directed to cause appearance before learned Deputy Commissioner/District Magistrate, Fazilka, on 26.02.2026, at 11.00 a.m.

5. Further, a *mandamus* is also passed upon the learned Appellate Tribunal-cum-Additional Deputy Commissioner, Fazilka, to transmit the entire record of the instant *lis*, to learned Deputy Commissioner/District Magistrate, Fazilka, forthwith, for it's adjudication.

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

(KULDEEP TIWARI)
JUDGE

February 12, 2026
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No