

**CWP-8283-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****(203)****CWP-8283-2024****Date of Decision : April 09, 2025****Basant Singh****.. Petitioner****Versus****Kuldeep Singh and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Deepak Goyal, Advocate, for the petitioner.

Mr. Hemraj Bhardwaj, Advocate, for respondent No.1.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the prayer of the petitioner is that the impugned order dated 24.03.2023 (Annexure P-3) was passed by the Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as '2007 Act') deciding the issue in favour of the petitioner-senior citizen and order dated 26.10.2023 (Annexure P-4) passed by the Appellate Authority under 2007 Act. Furthermore, on an appeal filed by respondent No.1 against the order dated 04.05.2022 (Annexure P-1) before the Appellate Authority envisaged under 2007 Act, the matter was remanded back to the Tribunal for fresh adjudication upon an already well reasoned order dated 04.05.2022 (Annexure P-1), which act on the part of the Appellate Authority was incorrect.



2. Learned counsel for the petitioner-senior citizen argues that once an appeal was filed against order dated 04.05.2022 (Annexure P-1), the Appellate Authority was under obligation to decide the issue in accordance with law and the same could not have been remanded back to the Tribunal envisaged under 2007 Act and to underpin this argument, the reliance is being placed upon the judgment of this Court in ***CWP No.10697 of 2023 titled as Nishant vs. District Magistrate-cum-President Appellate Maintenance Tribunal Hisar and others, decided on 18.02.2025.***

3. Learned counsel for the respondent No.1 submits that the Appellate Authority in its wisdom, decided to remand the case back for fresh adjudication by the Tribunal under 2007 Act hence, the said order dated 24.03.2023 (Annexure P-3) passed by the Tribunal under 2007 Act may kindly be upheld.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Keeping in view the settled principle of law that once an issue has been raised before the Appellate Authority, the Appellate Authority is bound to decide upon the same in accordance with law rather than remanding the case back for fresh adjudication on the dotted lines keeping in view the findings recorded in the appellate order. The said issue has already been decided by this Court while passing order in ***Nishant's case (supra)***.

6. Learned counsel for the respondent No.1 has not been able to rebut the same.

7. Keeping in view the totality of the circumstances coupled with the law settled in ***Nishant's case (supra)***, the impugned order dated

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24.03.2023 (Annexure P-3) passed by the Tribunal under 2007 Act is set aside along with order dated 26.10.2023 (Annexure P-4) passed by the Appellate Authority. The remanding back of the case by the Appellate Authority to the Tribunal is also set. The Appellate Authority is directed to pass an appropriate order on the appeal preferred by respondent No.1 in accordance with law on merits. Let the appropriate order be passed within a period of eight weeks from the date of receipt of copy of this order by hearing both the parties.

8. The present writ petition is allowed in above terms.

**April 09, 2025**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : No