

Court No. - 40

Case :- WRIT - C No. - 26739 of 2023

Petitioner :- Krishna Chandra

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Joveen Kumar

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri S.C.Upadhyay, learned Standing Counsel for the State-respondent.

2. The writ petition was entertained on 20.9.2023 and this Court has passed the following order.

"1. On the basis of instructions, learned counsel for the petitioner submits that complaint of the petitioner is already entertained by the Sub Divisional Magistrate concerned and the parties have already entered appearance in the said proceeding. He submits that some further time may be accorded so that fate of the said proceeding may be apprised on the next date of listing. On his request, the case is passed over for the day.

2. Put up this matter again on 9.10.2023 as fresh. "

3. Thereafter, the matter was taken on 9.10.2023 and this Court has proceeded to issue notice to the respondent no. 3 with following observations.

"1. Heard learned counsel for the petitioner and Mr. Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. Issue notice to opposite party No.3 returnable within three weeks.

3. Steps may be taken within three days.

4. All the respondents pray for and are accorded three weeks' time to file response in the matter. Rejoinder affidavit, if any, may be filed within a week thereafter.

5. Let the matter be listed on 08.11.2023, as fresh."

4. In response to the earlier orders, learned Standing Counsel has placed the instructions dated 9.10.2023 appending therein the order dated 6.10.2023 passed by Sub Divisional Magistrate Sadar, Prayagraj, under Section 7(1) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 whereby claim of the petitioner has been rejected on the ground of maintainability.

5. Considering the facts and circumstances of the case and in view of the order dated 6.10.2023, we are not inclined to keep the matter pending for consideration. Needless to say, it is always open for the petitioner to invoke the remedy as available in law.

6. With the aforesaid observations, the writ petition stands **disposed of**.

Order Date :- 11.12.2023

A.K.Srivastava