

Court No. - 3

Case :- WRIT - C No. - 9956 of 2023

Petitioner :- Jagdish Prasad

Respondent :- Civil Judge (Junior Division) Distt. Lakhimpur Kheri And 5 Others

Counsel for Petitioner :- Manish Mani Sharma

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

1. Heard learned counsel for parties.
2. Petitioner, a 68 years old person, has approached this Court claiming that he is having an injunction order dated 16.11.2021 passed by the Civil Judge (Junior Division), Lakhimpur Kheri in his favour, against his son, grandson and daughter-in-law, but despite such a stay order being there, they are interfering in the possession of petitioner. The petitioner has also filed an application under Order 39 Rule 2A of CPC before the court concerned in which, notices have been issued. He prays that being an old person he is entitled for appropriate assistance and security of his property in question from the District Magistrate, Lakhimpur Kheri also in view of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
3. In the given facts and circumstances of the case, petitioner is permitted to move an appropriate application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before respondent no.2-District Magistrate, Lakhimpur Kheri and in case petitioner moves such an application within a period of ten days from today along with a certified copy of this order, the District Magistrate, Lakhimpur Kheri shall proceed and take appropriate action in accordance with law with regard to security of life and property of petitioner. The District Magistrate concerned shall give due weightage to the order passed by the Civil Court and it is the duty of all administrative authorities to ensure compliance of order of the Civil Court.
4. This Court has not gone into the merits of the case and all question are left open to be decided by the District Magistrate.
5. With the aforesaid direction, present writ petition stands ***disposed of***.

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 9.11.2023

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