

Party Name : SUNIL CH. PAUL Vs MANIK LAL DAS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. Samarjit Bhattacharji, learned counsel appearing for the petitioner as well as Mr. T.D. Majumder, learned counsel appearing for the respondent.

This is a petition for drawing up a contempt proceeding under Section 12 of the Contempt of Courts Act, 1971 against the alleged contemnor for violating the direction contained in the order dated 22.09.2014 delivered in CRP No.57 of 2014. It has been observed and directed therein as under:

**That the Tribunal is directed by this Court to enforce its own order dated 04.05.2013 passed in case No. 02/MWPSC Act, 2007/2013 with utmost expedition so that welfare of the petitioner is not jeopardized in any manner. The petitioner shall file a copy of this order to enable the Tribunal exercise its jurisdiction under Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It is expected that on having received the copy of this order the Tribunal will enforce its order dated 04.05.2013 within a month. If the petitioner is aggrieved by such order in any manner, the petitioner may file the appeal before the appellate Tribunal or other actions contemplated by law.**

The petitioner has stated that despite such order passed by this Court the respondent did not take any action for enforcing the order dated 04.05.2013 passed in Case No. 02/MWPSC Act, 2007/2013. By filing the reply, the respondent has stated that the petitioner himself by submitting an affidavit on 20.03.2015 has stated that he had received the sum of Rs. 84,000/- from his sons. There is no due in connection with the case No. 02/MWPSC Act, 2007/2013. As such, there was no requirement of taking any action for purpose of enforcement. Moreover, the respondent has stated that some delay has occurred for some pressing administrative works in the intervening time, for which he has expressed unconditional apology before this Court.

The said apology is accepted as it appears from the affidavit filed by the petitioner, Annexure R/3 to the petition, that he himself has submitted that he received the amount in terms of the order dated 04.05.2013.

This court does not find any deliberate or wilful disobedience to the order of this Court and accordingly, this proceeding is closed.

However, before parting with the records the petitioner is directed to furnish the details of his bank account forthwith to the SDM, Sadar so that he can pass the necessary order directing his 2(two) sons namely Sujit Paul and Subir Paul to remit a sum of Rs.4,000/- (Rupees four thousand), Rs.2,000/- (Rupees two thousand) each, to the petitioner in his account, details which would be supplied by the petitioner to the SDM, Sadar. If there is any default in payment and that is taken to the notice of the respondent or of the other designated officer, they shall take stringent action for enforcing the order of maintenance under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The Registry is directed to supply a copy of this order to Mr. M.L. Das, Sub-Divisional Magistrate, Sadar, West Tripura for taking necessary action.