

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 37 of 2015**

1. Smt. Sandhya Mukharjee, W/o Shri G.L. Mukherjee, aged about 67 years.
 2. G.L. Mukharjee, S/o Late B.K. Mukharjee, aged about 73 years.
- Both R/o House No. 800, Kailash Nagar, P.S. Jamul, Bhilai, District Durg, Chhattisgarh.

---- Petitioners/Applicants**Versus**

1. Smt. Rani Mukharjee, widow of Late Gagan Mukharjee, aged about 33 years, R/o House No. 800, Kailash Nagar, P.S. Jamul, Bhilai, District Durg, Chhattisgarh.
2. Sankalp Varma, aged about 36 years, Shankara Engineering College, Junwani, (Mechanical Section), Out Post Smriti Nagar, P.S. Supela, Bhilai, District Durg, Chhattisgarh.
3. Sub Divisional Magistrate, Chhaoni, District Durg, Chhattisgarh.

--- Respondents/Non-applicants

For Petitioners	:	Mr. Uttam Pandey, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10.04.2019**

1. Petitioners'/applicants' application under Section 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (henceforth " the Act of 2007") has been rejected by the Sub Divisional Officer as being not maintainable vide order dated 15/12/2004 passed in Criminal Case No. 3483/2014 against which this writ petition has been preferred by them.
2. I have heard learned counsel for the parties, considered their

submissions and went through the records with utmost circumspection.

3. The application under Section 21 of the Act of 2007 has to be heard by the Maintenance Tribunal constituted under the Act of 2007. By notification dated 24/01/2009, the Maintenance Tribunal presided by the Sub Divisional Officer as the Chairman has already been constituted by the State Government.
4. In view of the above observations, the petitioners/applicants are at liberty to make a fresh application before the Maintenance Tribunal and as such, if the application is moved by them within 10 days, the Maintenance Tribunal is directed to do well to consider and decide the said application within 3 months from the date of receipt of the copy of this order.
5. Certified copy by tomorrow.

Sd/-
(Sanjay K. Agrawal)
Judge