

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 3121 of 2020

1. Lachhiram Sahu S/o Late Pusauram Sahu Aged About 64 Years
2. Smt. Satwantin Sahu W/o Lachhiram Sahu Aged About 60 Years

All are R/o Qr. No. 2c, Street No. 8, Sector 8, Bhilai, Tehsil And District
Durg Chhattisgarh ----- Petitioners

Versus

1. Smt. Parwati Sahu W/o Chaganlal Sahu Aged About 35 Years
2. Chaganlal Sahu S/o Toranlal Sahu Aged About 45 Years

All are R/o Qr. No. 1a, Street No. 40, Sector 8, Bhilai, Tehsil And District
Durg Chhattisgarh ----- Respondents

For Petitioners : Mrs. Aditi Singhvi, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.12.2020

1. Heard.
2. Learned counsel for the petitioners submits that the petitioners, who are the senior citizens, filed an application under the *Maintenance and Welfare of Parents and Senior Citizens Act, 2007* (henceforth 'the Act of 2007') and eviction proceeding has been filed against the respondents No. 1 & 2. During the pandemic, the petitioner could not appear because of their age and eventually the right to cross-examination was closed by the SDO by order dated 10.11.2020. She submits that, on instructions, now the case is fixed for 22.12.2020. It is further submitted that the petitioners, who are senior citizens, if are not cross-examined then their right would be seriously prejudiced and it would defeat the main object of

the Act of 2007. Therefore, the only short prayer made by the petitioners by way of this writ petition is that they may be given an opportunity to be cross-examined.

3. Perused the order. Perusal of the order sheet would show that the petitioners could not appear on the earlier occasion for the reason that they are senior citizens. The Court cannot ignore the fact that during the pandemic, entire judicial proceedings were on a hold and furthermore the senior citizens were especially instructed not to roam around or to avoid unnecessary public exposure.
4. Considering the same as of now taking into the age of the petitioners, it is directed that the petitioners shall be given the opportunity to be cross-examined. Consequently, the order dated 10.11.2020 is set-aside. The petitioner may appear before the SDO on 22.11.2020 or on any subsequent date and the SDO, taking into the fact the age of the petitioners, shall give them the opportunity to be cross-examined. It also goes without saying that the petitioners shall also co-operate with the said proceeding.
5. Accordingly, the writ petition is allowed.
6. The petitioners shall serve a copy of this order to the concerned SDO.
7. Certified copy today.

sd/-

(Goutam Bhaduri)

JUDGE