

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(C) No. 2035 of 2021**

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

Both are R/o. Qr. No. 1A, Street No. 40, Sector 8, Bhilai, Tehsil And District Durg Chhattisgarh.

---- **Petitioners**

Versus

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

Both are R/o. Qr. No. 2C, Street No. 8, Sector 8, Bhilai, Tehsil And District Durg Chhattisgarh.

---- **Respondents**

For Petitioners : Mr. Anshul Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

09.06.2021

Heard.

1. The present petition is against the order dated 23.02.2021 and 09.03.2021.
The background of the case is that a proceeding was initiated by the respondents mother & father against the petitioners under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the competent authority i.e. S.D.O. During the course of hearing on 23.02.2021 when the case was fixed for cross-examination of the respondents, the petitioners did not appear and therefore their right to cross-examine was closed. The order sheet would show subsequently the counsel of the petitioners appears at 3 p.m. and the case was adjourned to 09.03.2021. On 09.03.2021 since the right to cross-examine was closed, as such, the objection was made and the S.D.O. observed that since the right to review is not available to the competent authority, as such, the right to cross-examine was closed and against this order the petitioners are here.

2. Since the procedure under the Act of 2007 is an enquiry summary in nature, therefore, they are required to be concluded as early as possible especially taking into fact that the respondents who are aged mother and father of the petitioners cannot be subjected to wait till time immemorial. The order sheet would reveal that on 23.02.2021 when the case was fixed for cross-examination, the respondents who are the senior citizens though were present, but the counsel or the petitioners herein was not present, as such, their right to cross-examine was closed and subsequently the appearance was made at 3 p.m. by the counsel.
3. Taking into the aforesaid fact, by way of last opportunity, an opportunity is provided to the petitioners. It is observed that on the next date, a date would be fixed for evidence so that the respondents who are senior citizen may appear before the authority. It is expected that the authority shall also be present on the date despite the executive work so that the case is not adjourned. On the date of evidence when the respondents are present, the petitioners shall be allowed to cross-examine them subject to payment of Rs.3000/- as cost to the respondents father & mother. An intimation of this order be communicated to the respondents so that they are able to appear on the date so fixed.
4. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Aks