

17.11.2022
Court No.13
Item No.18
AP

WPA 20877 of 2022

**Gita Rani Saha
Vs.
The State of West Bengal and Ors.**

Mr. Tanmay Basu
Mr. Manoj Adak

... For the Petitioner.

Ms. Jayeeta Sinha
Mr. Ranjit Rajak

... For the State.

Mr. Pappu Adhikari
Mr. Samir Halder

... For the Respondent No.4.

Mr. Arun Shaw

... For the Respondent No.5.

Mr. Sagnik Chatterjee

... For the Respondent No.6.

The petitioner is the second wife of Late Kanailal Saha. The property and assets of Late Kanailal Saha was settled in favour of his three sons, being respondent Nos.4, 5 and 6, after the petitioner and her five daughters gifted their respective shares in the estate of Late Kanailal Saha.

The petitioner was earlier staying with the respondent No.4. She now stays with the in-laws of one of her daughters.

The petitioner wants to return back and live with the respondent No.4, who is the widowed daughter-in-law of the petitioner. The petitioner also complains that she is not being maintained by the sons.

The respondent Nos.4, 5 and 6 have agreed before this Court to maintain their mother.

The respondent Nos.4, 5 and 6 shall pay a sum of Rs.5,000/- each to the writ petitioner (total Rs.15,000/-) as an interim maintenance of a Senior Citizen. The first installment shall be paid within two days from date. The next installment shall be made month to month thereafter starting from 1st December 2022.

The petitioner shall file an application before the Maintenance Tribunal under the Maintenance and Welfare of Parents & Senior Citizens Act 2007.

The Tribunal, upon receipt of the petitioner's complaint and upon notice to the private respondents shall decide the residence of the petitioner and the continued validity of the surrender of her 1/9th share in the assets of Late Kanailal Saha by way of gift deed in favour of the three sons. The Tribunal shall also decide as to where the petitioner shall reside in accordance with the law.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

The instruction dated 21st September 2022 issued by the Officer-in-Charge, Ghola Police Station, Barrackpore Police Commissionerate is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)