

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2928 of 2023

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Sarita Singh D/o- Late Krishnakant Singh, resident of Muhalla- Buddha Coloney Nageshwar Vihar Apartment Flate No. 3/A, G.P.O. Patna, Police Station Budha Colony, District Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Patna.
2. The Sub Divisional Magistrate Patna Sadar, District- Patna.
3. The Station House Officer Buddha Colony Police Station, District- Patna.
4. Manju Singh W/o- Late Krishnakant Singh resident of Village- Bharharwa urf Bishunpur Mohabbat, Ward No. 11 Police Station Majorganj, District Sitamarhi 843315.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shivajee Singh, Advocate
For the Respondent/s : Mr.Md. N.H. Khan (Sc1)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-09-2023 1. Though, the present writ petition has been filed challenging the order dated 10.12.2022, passed by the Chairman, Adhikaran Tribunal-cum-Sub-Divisional Officer, Patna Sadar in Case No.147 of 2022, whereby and where under the petitioner has been directed to pay a sum of Rs.4,000/- to her mother, however, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the same by filing an appeal, before the Appellate Tribunal.

2. It may not be out of place to mention here that this Court by a judgment dated 22.08.2023, passed in CWJC No.11720 of 2023 (Pankaj Agarwal & Anr Vs. State of Bihar



and Ors.), has already held that considering the interpretation of Section 16(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act, 2007') as also considering the judgments, rendered on the subject matter by various High Courts, the only legal and correct interpretation of Section 16(1) read with the other provisions of the Act, 2007, is that the right of appeal under Section 16(1) of the Act, 2007, is conferred on both the sides i.e. an appeal can be filed by any of the affected parties.

3. In view of the aforesaid, I deem it fit and proper to grant liberty to the petitioner to challenge the aforesaid order dated 10.12.2022, by filing appropriate appeal, before the appellate authority and in case such an appeal is filed, within a period of four weeks from today, status quo, existing as on today, qua the petitioner herein shall be maintained, for a period of four weeks so that the petitioner can obtain interim relief from the appellate Court.

4. It is needless to state that in case the petitioner files an Appeal within four weeks, as aforesaid, the appellate authority shall examine the case of the petitioner on merits, without being impeded by the issue of limitation and pass a reasoned and a speaking order, after hearing the affected parties,



in accordance with law, forthwith.

5. The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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