

03.04.2023
Ct. 5
M/L 8
ab

WPA 21052 of 2022

Suchismita Midya Manna

-Vs-

Union of India & Ors.

Mr. Pratip Kr. Chatterjee,
Mr. Masud Mallik

... for the petitioner

Ms. Kanika Gupta

... for the respondent no. 1

Mr. Victor Chatterjee

... for the respondent no. 4

The petitioner claims to be the elder daughter of the respondent no. 4, who was the petitioner before the Sub-Divisional Officer (SDO), Tamluk. The respondent no. 4 did not get an order in his favour from the SDO, who was of the view that the petitioner does not have sufficient income to look after the respondent no. 4. The respondent no. 4 challenged the said order and by the impugned order of 2nd August, 2022, the Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 allowed the appeal and directed the petitioner herein to give a monthly allowance of Rs. 8,000/- to the respondent no. 4 as well as the medical expenses of the respondent no. 4.

It appears from both the orders that the petitioner was absent at the time of hearing although the SDO records that the petitioner communicated her case over telephone to him. The Tribunal records that the opposite party/petitioner herein failed to appear two times before the impugned order was passed against the petitioner.

This is the admitted position as submitted by learned counsel for the parties.

WPA 21052 of 2022 is accordingly disposed of by directing the Tribunal to hear the petitioner and the respondent no. 4 afresh and pass a decision thereon within four weeks from the date of communication of this order and subject to the petitioner taking requisite steps before the Tribunal by 6th April, 2023. The impugned order passed by the Tribunal on 2nd August, 2022 shall not be given effect to until the Tribunal passes the final order upon hearing both the parties.

(Moushumi Bhattacharya, J.)