

AD-11  
Ct No.09  
16.11.2023  
TN

WPA No. 23830 of 2023

Smt. Aparna Mukherjee  
Vs.  
The State of West Bengal and others

Mr. Puspall Chakraborty,  
Mr. Prasanka Ganguly  
.... for the petitioner

Mr. Jayanta Samanta,  
Ms. Indumouli Banerjee  
.... for the State

Mr. Kuntal Banerjee  
.... for the respondent no.5

1. Affidavit-of-service filed today be kept on record.
2. The facts of the case in a nutshell are that the petitioner applied for maintenance under the Maintenance and Welfare of Parents of Senior Citizens Act, 2007 (hereinafter referred to as "the 2007 Act") and was favoured with an order of the Tribunal directing the private respondent no. 5, the son of the petitioner, to pay maintenance. The private respondent having flouted the same, the petitioner applied under Section 11 of the 2007 Act for enforcement of the said order, which application has been kept pending inordinately. Being thus aggrieved, the present writ petition has been preferred.

- 3.** Upon hearing learned counsel for the parties, it transpires that the petitioner is justified in making the arguments as outlined above. Indeed, in the event enforcement applications are kept pending indefinitely, the very purpose of granting relief to senior citizens and parents as envisaged under the statute would be frustrated.
- 4.** Accordingly, WPA No. 23830 of 2023 is disposed of by directing the respondent no. 4, the Presiding Officer of the Maintenance Tribunal and Sub-Divisional Officer, Barrackpore to dispose of the application of the petitioner under Section 11 of the 2007 Act pending before the said authority in connection with Case No. 22 of 2019 as expeditiously as possible, positively within December 22, 2023.
- 5.** It is made clear that the above direction is peremptory and mandatory and the Tribunal shall act on the communication of the learned Advocate for the petitioner coupled with a server copy of this order without insisting upon prior production of a certified copy thereof for the purpose of compliance.
- 6.** It is made clear that the merits of the respective contentions of the petitioner and the private

respondent, however, have not been entered into at this stage.

- 7.** There will be no order as to costs.
- 8.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)