

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

26.9.2023
Ct. no.1
Sl. 7
sp

C.O. No. 31 of 2023

Sri Meghnath Roy & Anr.

Vs.

Sri Chiranjit Roy & Anr.

Ms. Sidhi Sethia,
Ms. Rima Sarkar

.... For the Petitioner

1. The petitioner challenges an order of the appellate Tribunal dated 06.02.2023 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby and whereunder the tribunal had refused to order eviction of the daughter-in-law from there.

2. Admittedly, the marital relationship between the daughter-in-law and the petitioner's son is estranged. The son has filed for divorce and was ready and willing to accommodate the daughter-in-law in a rented accommodation. In fact, it is vehemently argued by the counsel for the petitioner that the daughter-in-law herself had complained of being unable to stay in the joint household earlier.

3. This Court has carefully considered the argument advanced by the learned counsel for the

petitioner. The private respondent daughter-in-law has refused service of the revisional application.

4. Given the absence of powers to order eviction of a daughter-in-law under the Rules framed by the State Government under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, this Court is of the view that the SDO and the appellate authority acted within jurisdiction in refusing to order eviction of the daughter-in-law.

4. In those circumstances, no relief can be granted to the petitioner in the instant proceeding.

5. Disposal of the revisional application shall, however, not prevent the petitioner from agitating any other rights in accordance with law before an appropriate forum.

6. With the aforesaid observations, C.O. 31 of 2023 shall stand disposed of.

7. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)