

20.03.2024
Ct. No. 19
Sl. No.06
Cp

CO/2357/2023

SUNIL KUMAR ROY CHOWDHURY
AND ANR.
VS
SHAMBHU ROY CHOWDHURY AND ORS.

Mr. Gopal Chandra Ghosh

.....for the petitioners.

The petitioners pray for direction upon the learned appellate tribunal under the Maintenance and Welfare of the Parents and Senior Citizen Act, 2007 to dispose of the appeal. It is submitted by Mr.Ghosh, learned advocate for the petitioners, by referring to page 10 of this revisional application that the appeal was preferred quite some time ago, but the same has not yet been registered. The appeal was preferred on January 6, 2022 against the order dated December 10, 2021 passed in Maintenance Case No. 68 of 2020 by the Maintenance Tribunal at Barasat (Sadar).

The prayer of the petitioners is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties. Hence, there is no requirement for service of prior notice upon the opposite parties.

Without going into the question of maintainability of the appeal or without expressing any opinion on the

merits of the same, this court directs that if the learned appellate tribunal finds the appeal to be in form, then the same shall be registered and disposed of most urgently, preferably within six months from date. All questions including the maintainability of the appeal shall be decided by the authority. Adequate opportunity shall be granted to all the parties to contest the same.

This court has not expressed any opinion on the merits of the appeal. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)