

Sl.No.
56 04.10.2024
Court
No. 35
G.S.Das

WPA 19591 of 2024

Mohan Dey
-Vs-
The State of West Bengal & Ors.

Mr. Achyut Basu
Ms. Punam Basu
Mr. Rupchand Chakraborty
Mr. Anirban Saha
Mr. Srikumar Chakraborty
Mr. Subhasish Pyne
... for the petitioner

Mr. Amal Kumar Sen, Id. AGP
Ms. Ashima Das (Sil)
... for the State-respondent

Mr. Tapas Bhattacharya
Mr. Ayan Kumar Boral
... for the respondent no.4

Report submitted by the State is

enclosed with the statement of one Mohan

Dey/the petitioner.

The statement reflects that the

petitioner is staying at the flat which was

in the name of his wife (expired), who

had bequeathed the same in favour of his

son.

However, there was a clause that the petitioner should be allowed to stay and use the flat during his lifetime.

There are disputes and differences between the father and the son as is reflected in the statement.

I find that the father is staying at the same residence. However, his grievance is that he is not provided with food at the behest of his son and daughter-in-law, who are private respondents.

Learned advocate for the private respondents representing the son and the daughter-in-law opposes such contentions and submits that to the best of their ability and efforts they have been trying but, in spite of that, the father instituted the case because of being instigated by the other relations and such circumstance is being portrayed before the Court of

law.

Ordinarily, it is the duty of the son to provide minimum requirement for sustenance of life to the aged parents. In fact, the provisions of the cr.p.c. or BNSS provides for maintenance.

Having regard to the same, I direct that in case further disputes arise in respect of minimum requirement for maintenance of the father relating to his food and clothing and the petitioner files any application before the learned ACJM, Sealdah or learned CJM, Alipore in that case, the maintenance order to the tune of Rs.7,000/- should be passed until and unless the son is able to rebut such contention of the father that he is not providing food or clothing. If the petitioner complains of further harassment, the police authorities would ensure that he is not harassed and or humiliated at his

residence.

With the aforesaid directions, WPA
19591 of 2024 is disposed of.

Pending application, if any, is also
disposed of.

Report so submitted be kept with
the record.

Parties to act on a server copy
of this order duly collected from the
official website of the Hon'ble High Court,
Calcutta.

(Tirthankar Ghosh, J.)