

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.568 of 2023

In
Civil Writ Jurisdiction Case No.18117 of 2022

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Ajay Kumar Yadav S/o- Sri Chote Lal Yadav R/o- Village- Narayanpur, P.O.-
Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through District Magistrate, Bhagalpur.
2. The District Magistrate, Bhagalpur.
3. The Sub- Divisional Officer, Kahalgaon, Bhagalpur.
4. The General Manager, Human Resource, National Thermal Power Corporation, (N.T.P.C.), Kahalgaon, Bhagalpur.
5. Sri Chotelal Yadav, S/o- Late Biro Prasad Yadav R/o Village- Narayanpur, Post- Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur.
6. Sri Prem Kumar, S/o- Sri Chotelal Yadav R/o Village- Narayanpur, Post- Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 05-03-2025

Re.- I.A. No. 1 of 2023:-

The learned Advocate for the appellant presses

the afore-noted interlocutory application for condoning



the delay of 46 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 46 days in preferring this appeal is, hereby, condoned.

3. I.A. No. 1 of 2023 stands allowed.

Re.- L.P.A. No. 568 of 2023:-

4. We have heard Mr. Ranjeev Kumar Singh, the learned Advocate for the appellant and Mr. Sanjay Kumar Ghosarvey, the learned Counsel for the State.

5. The appellant has been directed by the S.D.O., Kahalgaon under the Maintenance and welfare of Parents and Senior Citizens Act, 2007 (in short the Act of 2007) to pay Rs. 5000/- per month to his father.

6. The appellant does not have any objection to the afore-noted order passed by the Tribunal, but he challenged the order before this Court in C.W.J.C. No. 18117 of 2022 on the plea that while passing such an order, the Tribunal did not take into account that the father of the appellant stayed with his another son, who



has a good source of earning and who has an influence over his father and there is an apprehension that under his influence, the father would dispose off the family property to the exclusion of the appellant.

7. The learned Single Judge rightly did not object to the direction of the Tribunal asking the appellant to pay an amount of Rs. 5,000/- per month to his father, but further directed that the S.D.O./Tribunal ought to have taken into consideration the responsibility of the other brother with whom the father of the appellant had been residing.

8. The learned Counsel for the appellant today submits that there have been some development and, therefore, the order of the Tribunal requires alteration/modification which was never interfered with by the learned Single Judge.

9. We find that the appellant would have been well advised to appear before the Tribunal under Section 10 of the Act of 2007 and should have prayed for any



modification or alteration of the order passed by him.

10. With the aforesaid observation, this appeal is disposed off, giving liberty to the appellant to approach the Tribunal under Section 10 of the Act of 2007, should it be so desired.

(Ashutosh Kumar, ACJ)

(Harish Kumar, J)

Manoj/Praveen-II

AFR/NAFR	NAFR
CAV DATE	NA
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