

D/L.7.
September 24, 2025.
MNS.

CO No. 116 of 2024

Kanchan Dey and another
Vs.
Krishnakanta Dey and another

Mr. Shibaji Kumar Das,
Ms. Deblina De

... for the petitioners.

1. At the time of call, none appears for the opposite parties.
2. Although leave was granted previously to the petitioners to file a supplementary affidavit, learned counsel for the petitioners submits that such supplementary affidavit is not required and the petitioners want to proceed with the revisional application as it is.
3. The limited context of challenge in the present matter is to an order dated June 2, 2022 passed by the Sub-Divisional Magistrate, Kalyani, that is, the Sub-Divisional Officer, acting as the Tribunal under the provisions of the Maintenance and Welfare of Parents and Senior

Citizens Act, 2007 (in short “the 2007 Act”).

4. Learned counsel for the petitioners points out that the opposite parties/senior citizens, in their application before the Tribunal, asked for manifold reliefs.
5. The Tribunal, by the impugned order, without assigning any reasons at all, not only directed the parties to keep the peace and tranquility at their home, but also directed the present petitioners to leave the disputed house after “delivery of the baby” of the petitioners.
6. A perusal of the prayers made in the application before the Tribunal shows that, *inter alia*, injunction was sought against the present petitioners from repeating certain alleged actions against the applicants/opposite parties, for eviction of the present petitioners for exclusion of the present petitioners from the shared household or any part of the household, as well as injunction restraining the present petitioners from dispossessing the applicants/opposite parties from the shared household.

7. The impugned order suffers from several discrepancies.
8. First, the same is devoid of any reason. The Tribunal merely recorded the submissions of the parties in the cryptic impugned order, comprised of about half a page, and, without assigning any reason whatsoever, directed the present petitioners to leave the house, without arriving at any finding as to the veracity of the case of the opposite parties and/or adverting to the pleadings of the parties and the materials on record, if any, produced before the Tribunal.
9. Moreover, the Tribunal, under the provisions of the 2007 Act, in particular Section 23, does not have the authority to pass an eviction decree outright.
10. Seen in the limited context of the jurisdiction of the Tribunal, the impugned order cannot be sustained.
11. The Tribunal also did not take into consideration the pendency of a civil suit filed by the present petitioners for declaration of title and consequential reliefs against the opposite parties

regarding the self-same property as involved in the proceeding under the 2007 Act.

12. In such view of the matter, the order impugned cannot be sustained.

13. Accordingly, CO No. 116 of 2024 is allowed in part, thereby setting aside the impugned order dated June 2, 2022 passed by the Sub-Divisional Officer (Sub-Divisional Magistrate, Kalyani, Nadia), in the capacity of the Tribunal under the 2007 Act and directing the Tribunal to re-hear the application filed before it by the present opposite parties afresh, upon giving adequate opportunity of hearing to both the parties, and to dispose of the same afresh by passing a proper reasoned judgment, upon adverting to all the materials on record and the pleadings of the parties.

14. It is expected that such exercise shall be concluded as expeditiously as the business of the Tribunal permits, preferably within February 28, 2026.

15. Connected applications, if any, stand disposed of accordingly.

16. There will be no order as to costs.

17. 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.)