

Sunanda Wd/o Bhaskar Mahajan,
Aged about 32 years, Occ. Business,
R/o. Samta Nagar, Ayyappa Mandir Road,
Near Naaz Plaza, Urja Nagar,
District Chandrapur

// VERSUS //

- (1) **Mahadeo Natthuji Mahajan,**
Aged about 70 years, Occ. Retired,
R/o. Samta Nagar, Ayyapaa Mandir Road,
Near Naaz Plaza, Urja Nagar, District Chandrapur
- (2) **Police Station Inspector,**
Durgapur, having Police Station
at Durgapur

.... **RESPONDENT(S)**

[illegible]

Shri P. Ranade, Advocate for the Petitioner(s)
Shri V.R. Borkar, Advocate for the Respondent No. 1
Shri B.M. Lonare, AGP for the Respondent/State

CORAM : M.S. JAWALKAR, J.
JANUARY 22, 2025

ORAL JUDGMENT:-

- (1) **RULE.** Rule made returnable forthwith. Heard finally by consent of learned Counsel for the respective parties.

(2) The Petitioner herein, who is the daughter-in-law of the Respondent No. 1, has challenged the order dated 14/08/2024 passed by the Chairman, Senior Citizens Maintenance Tribunal cum Sub-Divisional Magistrate, Chandrapur (hereinafter referred to as “the Tribunal”) in Misc. Case No. 01/2024 on the ground that no opportunity was granted to lead evidence in view of Section 6 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and Rule 13 of the Maharashtra Maintenance and Welfare of Parents and Senior Citizens Rules, 2010.

(3) Learned Counsel for the Petitioner relied on the judgment of this Court in **Criminal Writ Petition No. 779/2022 (Sanjay S/o Krushnaji Sakdeo vs. Krushnaji S/o Sitaram Sakdeo & another)**, so also relied on the provisions of Section 6 of the said Act and Rule 13 of the said Rules.

(4) After going through the provisions of Section 6 of the said Act and Rule 13 of the said Rules, it appears that the Enquiry Officer/Tribunal has to grant opportunity to both the parties in support of their claims, as he has to undertake summary

Proceedings. This mandatory provision cannot be deviated unless and until there is a specific mention in the Order-sheet/Roznama that there is no such need to record the evidence or that the parties, despite granting them an opportunity to lead the evidence, have chosen not to lead the evidence. On perusal of the Roznama as well as the impugned order, it is not reflected that any such procedure is followed as mandated in Section 6 of the said Act and Rule 13 of the said Rules.

(5) Hence, I proceed to pass following order:-

ORDER

(a) The Writ Petition is **allowed**.

(b) The impugned order dated 14/08/2024 passed by the Chairman, Senior Citizens Maintenance Tribunal cum Sub-Divisional Magistrate, Chandrapur in Misc. Case No. 01/2024 is hereby quashed and set aside.

(c) The matter is remanded back to the learned Tribunal for deciding it afresh after granting opportunity to both the parties to lead evidence in support of their claims.

(d) The parties to appear before the learned Tribunal on 29/01/2025.

(e) The learned Presiding Officer, Tribunal is hereby directed to dispose of the Application as early as possible, preferably within a period of three months from today.

The Petition stands **disposed of** in the above terms.
Pending Application(s), if any, stand(s) **disposed of**.

(M.S. JAWALKAR, J.)