
(2021) 08 UK CK 0250

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1549 Of 2021

Himanshu Chaudhary & Others

APPELLANT

Vs

Girish Chand Chaudhary

RESPONDENT

Date of Decision : 16-08-2021

Acts Referred:

Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 — Section 16(2), 16(6)

Citation : (2021) 08 UK CK 0250

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Sagar Kothari, Vinay Kumar

Final Decision : Allowed

Judgement

Manoj Kumar Tiwari, J

1. Petitioners were permitted to serve respondent personally vide order dated 09.08.2021. Today, Mr. Vinay Kumar, Advocate, has put in appearance

on behalf of respondent. He undertakes to file his Vakalatnama, during the course of the day.

2. Petitioners are challenging the order dated 30.06.2021 passed by Appellate Maintenance Tribunal/District Magistrate, Dehradun in Case No. 08 of

2021. By the said order, the judgment & order dated 06.02.2021 passed by learned Maintenance Tribunal/S.D.M. (Sadar), Dehradun in Case No. 15

of 2020-21 has been set aside.

3. The principal ground of challenge in this writ petition is that the learned Appellate Maintenance Tribunal has allowed the Appeal filed by the

respondent, without even issuing notices to the petitioners.

4. On a pointed query made as to whether notices, in respect of Appeal filed by the respondent, were issued by Appellate Maintenance Tribunal/

District Magistrate, Dehradun, learned counsel appearing for the respondent, on instructions, fairly submits that notices were not issued.

5. Section 16 (2) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 mandates that the Appellate Tribunal shall cause a notice to

be served upon the respondent, on receipt of an Appeal. Since the mandatory provision contained in Section 16 (2) of the Act was not followed and

the Appeal filed by the respondent was allowed without issuing notices to the other side, therefore, the order impugned in the writ petition is liable to

be set aside.

6. On this short point alone, the writ petition stands allowed and the impugned order dated 30.06.2021 passed by Appellate Maintenance

Tribunal/District Magistrate, Dehradun is set aside. The case no. 08 of 2021 is restored to the file of Appellate Maintenance Tribunal/District

Magistrate, Dehradun, who shall make an endeavor to decide the Appeal in terms of Section 16 (6) of the Act.