

(2024) 10 UK CK 0018

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No.2682 Of 2024

Jagdish Prasad Chauhan

APPELLANT

Vs

Anil Kumar Chauhan And Others

RESPONDENT

Date of Decision : 01-10-2024

Acts Referred:

Maintenance And Welfare Of Parents And Senior Citizen Act, 2007 — Section 5, 5(2)
Constitution Of India, 1950 — Article 227

Citation : (2024) 10 UK CK 0018

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Pankaj Miglani

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. By means of this writ petition filed under Article 227 of the Constitution of India, petitioner has sought indulgence of this Court for direction to the Prescribed Authority/S.D.M., Haridwar (under Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred to as the Act) to decide the Case No.26 of 2022-23 Jagdish Prasad Chauhan vs. Anil Kumar & Another within a stipulated time.

2. Heard learned counsel for the petitioner.

3. It is contended by learned counsel for the petitioner that an application under Section 5 of the aforesaid Act was filed on 22.05.2023 before the Prescribed Authority against the respondents for maintenance and for their removal from the property of the petitioner. Respondents are the son and daughter-in-law of the petitioner. It is contended by learned counsel for the petitioner that the said application of the petitioner is pending consideration since 22.05.2023 and no further proceedings are there in the said application, however the respondents have put in their appearance in the said case in July, 2023. It is also contended

by learned counsel for the petitioner that till date no objection/written statement has been filed by the private respondents. Even learned Prescribed Authority has not granted interim maintenance to the petitioner as mandated under Section 5 Sub Section (2) of the aforesaid Act. Petitioner is before this Court for expediting the aforesaid application within a stipulated time.

4. Having considered the submission of learned counsel for the petitioner and perusal of the Act, this Court is of the view that such proceedings cannot be protracted for one reason and other and therefore, this is a fit case where a direction can be issued to the Prescribed Authority/S.D.M., Haridwar to conclude the proceedings of Case No.26 of 2022-23 Jagdish Prasad Chauhan vs. Anil Kumar & Another within a stipulated period.

5. Accordingly, the writ petition is allowed. The Prescribed Authority/S.D.M., Haridwar is directed to conclude the proceedings of Case No.26 of 2022-23 Jagdish Prasad Chauhan vs. Anil Kumar & Another pending before it within a period of six months from the date of production of certified copy of this order.