

(2023) 05 DEL CK 0455

In the Delhi High Court

Case No : Civil Miscellaneous (Main) No. 789 Of 2023

Kartari Devi

APPELLANT

Vs

Vinod Kumar And Ors

RESPONDENT

Date of Decision : 12-05-2023

Acts Referred:

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 — Section 16(6)

Citation : (2023) 05 DEL CK 0455

Hon'ble Judges : Tushar Rao Gedela, J

Bench : Single Bench

Advocate : C S Rathour

Final Decision : Disposed Of

Judgement

Tushar Rao Gedela, J

[The proceeding has been conducted through Hybrid mode] CM APPL. 24686/2023 (for exemption)

1. Exemption is allowed, subject to all just exceptions.

2. The application stands disposed of.

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3. Petitioner seeks intervention by this Court for certain directions to the Appellate Authority namely, the Divisional Commissioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act") for early disposal of the appeal, filed by the petitioner.

4. Mr. Rathour, learned counsel appearing for the petitioner submits that as per the provisions of Sub-Section 6 of Section 16 of the Act, the Appellate Tribunal is to make an endeavor to pronounce its order in writing within one month of the receipt of the said appeal.

5. Mr. Rathour, learned counsel submits that though the appeal is against the

order of the SDM was filed on 12.01.2023 and listed for the first time on 17.02.2023, the Appellate Tribunal has fixed the date of hearing now on 28.06.2023.

6. Learned counsel submits that the mandate of Sub-Section 6 of Section 16 of the Act would be rendered negatory in case the appeals are not decided within the timelines specified therein.

7. This Court has considered the submissions of Mr. Rathour, learned counsel for the petitioner, as also perused the pleadings of the petition along with the provisions of Sub-Section 6 of Section 16 of the Act.

8. No doubt that the Sub-Section 6 of Section 16 of the Act, places an obligation upon the Appellate Tribunal to pronounce its order in writing within one month of the receipt of the appeal, the Appellate Tribunal should make all efforts to ensure that the said provision is implemented in its true spirit to the extent it is practical.

9. It is not far to see, as to why such a provision was inserted by the Legislature. The preamble of the Act itself makes it clear that the said Act is only for the purposes of ensuring that senior citizens and parents, who may be in a vulnerable age and stage of their lives, are not unnecessarily deprived of their shelter. In all probability it is with the aforesaid and above noble cause that the aforesaid Act containing benevolent provisions was promulgated.

10. In view of the aforesaid conclusion, this Court deems it appropriate to request the Appellate Tribunal to take up the appeal as soon as practically possible and dispose of the same in accordance with the provisions of Section 16 of the Act, preferably within next three months from today.

11. With the aforesaid, the present petition is disposed of with no order as to costs.