



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 9798/2026

Between:

Kavala @ Yennamsetti Uma Maheswari and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.B.SUDHAKAR KUMAR

Counsel for the Respondent(S):

1.GP FOR WOMEN DEV CHILD WELFARE

2.GP FOR HOME

3.GP FOR REVENUE

4.M SRI ATCHYUT

The Court made the following:

WRIT PETITION NO: 9798/2026

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

2. Learned counsel for the petitioners submits that respondent No.3 herein passed an impugned order dated 28.11.2025, which is contrary to Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and without jurisdiction. He further submits that the subject property is a joint family property which was relinquished by respondent No.5 who is none other than the father of the petitioners. The petitioners as well as respondent No.5 have jointly acquired equal rights i.e., $\frac{1}{4}^{\text{th}}$ share each out of total property. He also submits that respondent No.5 relinquished his right in respect of $\frac{1}{4}^{\text{th}}$ share out of total property in favour of petitioner Nos.1 and 3 herein. Since the subject property is a joint family property and even petitioners also vested $\frac{1}{4}^{\text{th}}$ share each, respondent No.5 is entitled to the extent of $\frac{1}{4}^{\text{th}}$ share only, but not $\frac{3}{4}^{\text{th}}$ share which was acquired by the petitioners by way of inheritance. Hence, the order of the tribunal is contrary to law.

3. On the other hand, learned counsel for respondent No.5 submits that the order passed by the tribunal is in accordance with law and also in compliance of the provisions of the Act. The tribunal cautiously passed the impugned order and recognized the rights of the 5th respondent by considering the rights of the petitioners. Due to the said understanding, the tribunal cautiously passed the order protecting the rights of respondent No.5 being a senior citizen and also kept intact the rights of the petitioners herein. The contention of the learned counsel for the petitioners that the subject order is contrary to law and against the scheme of act as well as rights of the petitioners herein are contrary to the terms of the order. Since, the application was came for consideration before respondent No.3 which is borne out of welfare legislation, the order emphasizing the rights of respondent No.5 should be viewed as a measure of welfare guaranteed under statute in favour

of a senior citizen. Therefore, the order of respondent No.3 does not warrants any interference of this Court.

4. Learned counsel for the official respondents also furnished written instructions dated 02.05.2026 issued by the Branch Manager, Bank of India, it reveals that the entire subject property is mortgaged by the original property holder along with his son at Seethampeta Branch, Rajahmundry. The original title deeds in respect of the subject property are still lies with the bank.

5. In view of the submissions made by the learned counsel for all the parties and in view of the facts and circumstances as mentioned above, there shall be an interim direction as follows:

- i. Directing respondent Nos.3 and 4 herein not to evict the petitioners from the subject property, who are permitted to live at their subjective portions as per the order passed by respondent No.3.
- ii. Sri Siva Rama Krishna being a natural son, permitted as care taker of respondent No.5 shall collect the rents to the extent of half of the share in their behalf and deposit the same with the account of the respondent No.5 and rest of the rents to be deposited in the joint account of the petitioners and Siva Rama Krishna, after opening of such account.
- iii. It is further observed that since the subject property is under mortgage, out of the rental proceeds all the parties except respondent No.5 may contribute for resumption of subject mortgage loan to protect the property. The said arrangement should be continued till next date of hearing.

6. For filing counter-affidavit, list the matter after Summer Vacation, 2026.

VENKATESWARLU NIMMAGADDA, J

05.05.2026
TPS