



W.P. No. 3027 of 2024

**W.P. No. 3027 of 2024
and
W.M.P. Nos. 3308 and 3309 of 2024**

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P.D. AUDIKESAVALU, J.

Mr. S.J.Mohamed Sathik, Learned Government Advocate takes notice for the First Respondent.

2. Notice to the Second and Third Respondents returnable by 06.03.2024.

Private notice is also permitted.

3. The Petitioner challenges the Order No. Pa. Mu. 7182/2023/A1 dated 16.12.2023 passed by the First Respondent in the exercise of powers under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, holding that the transfer of the property made by her in favour of the Petitioner through execution of settlement-deeds dated 07.09.2022 are void despite an express condition that it would not be revoked by her. The ruling of the Hon'ble Supreme Court of India in *Sudesh Chhikara -vs- Ramti Devi* (Order dated 06.12.2022 in Civil Appeal No. 174 of 2021) is cited to highlight that such order cannot be passed in the absence of a specific clause in the instrument of transfer that the beneficiary shall provide basic amenities and basic needs to the senior citizen, which he has refused or failed to carry out.



W.P. No. 3027 of 2024

WEB COPY

4. Having regard to the aforesaid contentions raised, neither the Petitioner nor the Second and Third Respondents shall alienate or create any form of encumbrance or make any alteration or construction in the said property, without prior permission of the Court until further orders.

5. It is represented that the Petitioner would pay a sum of Rs. 20,000/- (Rupees Twenty Thousand only) every month towards maintenance of the Second Respondent from February 2024 onwards, and Learned Counsel for the Petitioner has made an endorsement to that effect in the court record. In the event of default in payment of the said sum before the last day a particular the month by the Petitioner to the Second Respondent, the said interim order granted shall stand automatically vacated with effect from the following month.

Post the matter on 06.03.2024.

12.02.2024

Maya

Note: Issue order copy by 16.02.2024.



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W.P. No. 3027 of 2024

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W.P. No. 3027 of 2024

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