



WP(MD) NO. 24253 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-03-2025

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

WP(MD) NO. 24253 of 2023

Rajalakshmi

W/o.Ganesan, East Street, Mallingapuram Village,
Bodinayakanur Taluk, Theni District and another

Petitioner(s)

Vs

The Appellate Tribunal - cum-The District Collector
Theni District, Theni and 3 Others

Respondent(s)

For Petitioner(s):

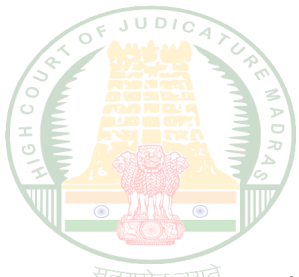
M/s.Lajapathi Roy Associates
S.Rajasekar(1862/05)
T.Aswin Raja Simman
Change Of Vakalat For Petitioner
9994156701
Add Affidavit - 29571

For Respondent(s):

Mr.J.K.Jeyaseelan Govt Adv. For R1 & R2
Mr.R.Sureshkumar, AGP (R3)
M/s.A.Arputharaj (1767/08) For R4
(fresh Notice For R4, Dt. 15.11.2024)
R4 - Batta Due
Pvt. Notice Permitted – Proof Not Filed

ORDER

The case of the petitioner is that on consideration of the petition filed by the



WP(MD) NO. 24253 of 2023

petitioner's father under the Maintenance and Welfare of Parents and Senior Citizens
WEB COPY

Act, 2007, the second respondent passed an order stating that the settlement deeds cannot be declared as null and void, however, with a direction to the petitioner to pay monthly maintenance of Rs.8,000/- to her father. Challenging the same, the petitioner's father filed an appeal before the first respondent and the first respondent passed an order stating that the settlement deeds executed by the petitioner's father are null and void. Challenging the same, the petitioner, who is the daughter, is before this Court.

2. The learned counsel appearing for the petitioner relied upon the judgment passed by the Hon'ble Supreme Court and also the orders passed by this Court, which are as under:-

- * Sudesh Chhikara vs. Ramti Devi and Another (2022 SCC Online SC 1684);
- * Order passed in WP(MD)No.15838 of 2022 dated 03.01.2023;
- * Order passed in WA(MD)No.809 of 2023 dated 12.06.2023;
- * Order dated 12.06.2023 in WP(MD)No.8864 of 2023 dated 01.03.2024;
- * Order passed in WP(MD)No.9774 of 2023 dated 26.03.2024;
- * Order passed in WP(MD)No.19616 of 2024 dated 03.10.2024;

3. The learned counsel appearing for the petitioner submitted that the Hon'ble



WP(MD) NO. 24253 of 2023

Supreme Court, in the case of *Sudesh Chhikara vs. Ramti Devi and Another reported in 2022 SCC Online SC 1684*, held that if the document does not stipulate any condition, then Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is not applicable. Section 23 covers only transactions wherein property is conditionally transferred by the Senior Citizen and the same has been followed in the various judgments of this Court.

4. Since there seems to be substance in the contentions of the learned counsel appearing for the petitioner, the impugned order dated 20.09.2023 passed by the first respondent shall be kept in abeyance till 05.06.2025.

5. Post the matter on **05.06.2025**.

6. In the meanwhile, the respondents shall file their counter affidavit.

sd/-
19/03/2025

/ TRUE COPY /

/05/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

To

1. The Appellate Tribunal - cum-The District Collector
Theni District,
Theni



WP(MD) NO. 24253 of 2023

WEB COPY

2. The Revenue Divisional Officer
Uthamapalayam,
Theni District

3. The Sub Registrar
Devaram Sub Registrar Office,
Theni District

ORDER
IN

WP(MD) No.24253 of 2023
Date :19/03/2025

SS/SAR- /14/05/2025/ 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023