

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4436/2026

Shilpa Khushalani W/o Shri Kuldeep, D/o Shri Gurucharan
Khushalani

-----Petitioner

Versus

Gurucharan Khushalani S/o Shri Gelaram Ji & Anr.

-----Respondents

For Petitioner(s) : Mr. Abhinav Gupta

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

20/05/2026

1. The present writ petition has been filed by the petitioner assailing the impugned order dated 18.02.2026 passed by the learned Appellate Tribunal, Collector and District Magistrate, Kota, in Case No. 01/2026 titled "*Smt. Shilpa Kushalani v. Gurucharan Kushalani & Anr.*", whereby the appeal filed by the petitioner was dismissed and the order dated 31.12.2025 passed by the learned Sub-Divisional Magistrate-cum-Maintenance and Welfare of Parents and Senior Citizens Tribunal, Kota in Case No. 48/2025 titled "*Gurucharan Kushalani & Anr. v. Shilpa Kushalani*" was upheld whereby the gift deed dated 06.12.2024 was declared null and void and the petitioner was directed to vacate the subject property.

2. Learned counsel for the petitioner submits that the impugned order passed by the learned Tribunal, declaring the gift deed dated 06.12.2024 null and void under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is arbitrary as

the learned Tribunal ignored the fact that the gift deed was an unconditional deed. He further submits that the impugned orders are contrary to the mandatory condition stipulated in Section 23 of the Act. He therefore prays that the impugned orders dated 18.02.2026 and 31.12.2025, being perverse, may kindly be quashed and set aside.

3. Heard.

4. In view of the submissions made hereinabove, issue notice to the respondents, returnable within a period of six weeks.

5. Requisite PF and notices may be filed in two sets within a period of one week. Upon filing the same, one set be sent by ordinary post and another by registered post.

6. List the matter after six weeks.

7. In the meanwhile, and until further orders, effect, operation and execution of the impugned order dated 31.12.2025 passed by the learned Sub-Divisional Magistrate-cum-Maintenance and Welfare of Parents and Senior Citizens Tribunal, Kota in Case No. 48/2025 shall remain stayed.

(MANEESH SHARMA),J