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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5294/2015

REENA ARORA

..... Petitioner

Through: Mr. Ashish Deep Verma, Ms. Sonam
Dixit and Mr. Mohit Rana, Advocates

versus

MAINTENANCE TRIBUNAL (WEST) & ANR. Respondents
Through:

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **27.05.2015**

CM No.9576/2015 (Exemption)

1. Allowed subject to just exceptions.

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2. The petitioner has approached this court on the ground that the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short 2007 Act) has no jurisdiction in the matter.

2.1 It appears that respondent no.2, who is the mother of the petitioner has approached the Tribunal under the 2007 Act, inter alia, for the relief, that the registered gift deed dated 19.06.2008, which is apparently in the name of the petitioner, be declared null and void.

2.2 In the petition, which is filed under Section 23 of the 2007 Act, there is an averment to the effect that the said gift deed was obtained by the petitioner by employing fraud, coercion and by exerting undue influence on the petitioner. The criminal prosecution of the respondents (including the petitioner) in the matter is sought under various provisions of the IPC.

2.3 Quite obviously, the petitioner has refuted the allegations made in the petition by respondent no.2 and has inter alia taken an objection qua the jurisdiction of the Tribunal to proceed with the matter in regard to the main relief, whereby the subject gift deed is sought to be declared as null and void.

2.4 It is not disputed before me by the learned counsel for the petitioner, that the matter, is pending adjudication before the said Tribunal.

3. In these circumstances, the writ petition is disposed of with a direction to the Tribunal to adjudicate upon the pending petition filed by respondent no.2 and while doing so, to, inter alia, deal with the issue pertaining to jurisdiction raised by the petitioner.

3.1 Needless to say, in case the petitioner is aggrieved by the final determination by the Tribunal, she shall have liberty to take recourse to an appropriate remedy; albeit in accordance with law.

3.2 The Registry will despatch a copy of this order to respondent no.2, without insistence on process fee.

4. With the aforesaid observations in place, the captioned petition

and the pending application are disposed of.

RAJIV SHAKDHER, J

MAY 27, 2015

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