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

+ W.P.(C) 7726/2017 and CM Nos. 31908/2017, 31909/2017,
33112/2017, 33113/2017 & 33114/2017

MOHINDRA PAUL KATORIA

..... Petitioner

Through: Ms Upasana Shukla, Ms Nidhi Singh,
Mr Dhananjai Singh, Mr Prashant
Saini, Mr Rakesh Singh and Ms
Smanika Azad, Advocates.

versus

SANTOSH KUMAR KATORIA & ORS

..... Respondents

Through: Mr Sanjay Aggarwal, Advocate for
R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.09.2017**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent nos. 3 and 4 to put the petitioner in possession of flat bearing No. D-14 Ayodhya Enclave, Sector-13, Rohini, Delhi.

2. The petitioner, who is a senior citizen aged about 81 years, had executed a gift deed in favour of his son (respondent no.1) which was registered on 28.02.2017 with the concerned Sub-registrar. The petitioner seeks cancellation of the said deed and had filed an application before the

Maintenance Tribunal established under the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 (hereafter 'the Act'). The petitioner's grievance is that the said application has not been accepted and is not being considered.

3. The learned counsel appearing for respondent nos.1 and 2 submits that he is the only son of the petitioner and the petitioner has been primed by some person to file for cancellation of the deed. He submits that a proper investigation needs to be carried out.

4. Whilst the learned counsel for respondent no 1 and 2 is right in his contention that the matter requires to be inquired into, such inquiry will necessarily have to be conducted by Maintenance Tribunal. This Court finds no reason why the petitioner's application for cancellation of a gift deed in question has not been entertained under the Act. Plainly, in terms of Section 23 of the Act certain gift deeds are held to be void and, the Tribunal is required to determine the same.

5. In this view, respondent no.5 is directed to examine the petitioner's application in accordance with law and take an informed decision after causing necessary inquiries to be made.

6. In the meanwhile, respondents shall maintain *status quo* to the possession and title of the property in question. This, of course, would not come in the way of the respondents ceding possession and title of the property in question in favour of the petitioner.

7. The petition and all pending applications are disposed of with the aforesaid observations.

SEPTEMBER 18, 2017
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VIBHU BAKHRU, J