

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11735 OF 2017**

Pritish Natvar SanghviPetitioner
versus
Natvar Keshavlal Sanghvi and anr.Respondents

Mr. Shashank Choudhary along with Ms. Sunita Perumal i/b. Mr. Sachin V. Masurkar, advocate for the petitioner.
Mr. R. R. Varma, advocate for the respondent No.1.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 4th JUNE, 2018.

P. C. :

1. Heard learned counsel appearing for the respective parties.
2. By this petition, the petitioner is challenging the order of the respondent No.3 dated 6th March, 2017 passed under sections 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. By the said order, the respondent No.2 declared transfer of 50% share by the respondent No.1 to the petitioner in respect of Flat No.1103 in Building No.T-34 situated at Brooklyn Hills Co-operative Housing Society as illegal.
3. The mother of the petitioner and wife of the respondent No.1

expired in the year 2014. The respondent No.1 thereafter wanted to remarry. The petitioner and his wife requested respondent No.1 to transfer his share in the subject flat and the respondent No.1 thereafter to maintain peace in the family transferred his share in favour of the petitioner by way of gift deed dated 23rd May, 2014.

4. It is the case of the respondent No.1 that post gift deed, the petitioner and his wife started insulting his second wife and, therefore, he was compelled to leave the flat and reside in tenanted premises. The respondent No.1 thereafter approached the respondent No.2 under sections 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. The stand of the petitioner was that the respondent No.1 can stay along with him. However, the second wife of the respondent No.1 cannot stay in the said flat. The petitioner has made several allegations against the second wife of the respondent No.1.

6. From the facts, it is clear that the subject gift deed was made by the respondent No.1 after coming into force of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The gift deed was made at the request of the petitioner and his wife. It is implied that

respondent No.1 as well his second wife would be looked after by the petitioner and his wife after transfer of 50% share in the subject flat Obviously, the petitioner and his wife though ready and willing to look after the respondent No.1, are not wiling to do so in respect of the second wife of the respondent No.1. In the above circumstances, we do not find any error in the impugned order and, therefore, we are not inclined to entertain this petition. The writ petition is, accordingly, dismissed.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]