

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

CRIMINAL WRIT PETITION NO. 2265 OF 2016

Shekhar Niranjana Jadhav

.. Petitioner

Vs.

Jyoti Niranjana Jadhav & Ors.

.. Respondents

Mr. A. V. Anturkar, Senior Advocate a/w. Mr. Ajinkya Udane i/b Mr. V. B. Shivankar for the Petitioner.

Mr. H. J. Dedhia, APP for the Respondent No.3-State.

Mr. K. D. Bhosale for Respondent Nos.1 & 2.

Mr. S. P. Tripathi i/b Mr. Ajay Kumar Upadhyay for Respondent No.4.

CORAM : SMT. BHARATI DANGRE, J.

DATE : 26th SEPTEMBER, 2019.

P. C. :

1. **“First your parents, they give you your life, but then they try to give you their life”.**

The words of Chuck Palahniuk, truly hold good in the present litigation before me. Respondent Nos.1 & 2, namely, Mrs. Jyoti Niranjana Jadhav and Mr. Niranjana Babanrao Jadhav, aged 66 years and 70 years respectively were constrained to approach the authority constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking maintenance and protection from the present Petitioner and with folded hands they prayed to the Court that they have been left destitute since the property which is purchased

in their joint name along with elder son is not yielding any income to them.

2. The Sub-Divisional Officer on 20.02.2016 after an attempt to reconcile the issue between the parties issued a direction under Section 23(1) of the Act of 2007 thereby directing the Petitioner that whatever income is accruing from the commercial property in form of Flat Nos.102 and 302 as well as residential property at Kothrud to be handed over to the Applicants. On an appeal being filed before the Appellate Competent Authority and the Additional Collector, Pune, the said order came to be modified and instead of entire amount being entrusted to the Applicants, the Appellate Authority directed that the present Petitioner should pay an amount of Rs.10,000/- p.m. for the maintenance of Respondent Nos.1 and 2. It was directed that the said amount be deposited before 5th day of every month. Being aggrieved, the Petitioner has approached this Court.

3. With the intervention of learned Senior Counsel Shri Anturkar, I am not required to determine the issue and in specific the quantum of Rs.10,000/- whether it is exorbitant or so. The Petitioner on his own accord undertakes to abide by the order passed by the Appellate Authority and as regards the arrears which are due to be paid in terms of

the said order, Mr. Anturkar submits that he is ready and willing to deposit the said amount, however, some reasonable time should be granted to him to clear the arrears. According to learned Counsel for Respondent Nos.1 and 2 an amount of Rs.1,50,000/- has been already deposited by the Petitioner, which has been withdrawn. Apart from the said amount, an amount of Rs.1,40,000/- is yet to be paid.

4. In this circumstances, it is directed that Petitioner should deposit the amount of Rs.1,40,000/- within a period of six months in installments and it is also directed that he will continue to make the payment of Rs.10,000/- before the 5th day of every month in the Saving Bank A/c. No. 1068005004187 in The Karad Urban Co-operative Bank Ltd., Karad, Branch-Kothrud, Pune.

5. Another positive thing that emerged during the proceeding is that Respondent No.4, another son of Respondent Nos.1 and 2 on his own free will agreed that he would also contribute his share of Rs.10,000/- towards maintenance of his parents and Rs.5,000/- towards medical expenses. Respondent No.4 would make the payment as agreed from the month commencing from September, 2019 and the said amount is also directed to be deposited before the 5th day of every month in the account which is mentioned above.

6. In the light of the maturity shown by both the Petitioner and Respondent No.4, I can only observe and say that so much is asked from the parents, but so little is given and since the Petitioner and Respondent No.4 have now agreed to contribute and repay the good will of their parents, nothing survives in the Writ Petition and the same deserves to be dismissed and is accordingly dismissed.

[SMT. BHARATI DANGRE, J.]