

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 826/2019

Smt. Ashvita Pravin Wadhwe
..VS..
Smt. Leela Hari Wadhwe & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.C. Dharmadhikari, Advocate for the petitioner
Shri M.P. Kariya, Advocate for the respondent no. 1
Shri V.D. Darne, Advocate for the respondent no. 2
Ms. T.H. Khan, AGP for the respondent nos. 3 and 4

CORAM : Z.A.HAQ, J.
DATED : 05/03/2019

Heard.

This is a dispute between daughter-in-law and mother-in-law. The petitioner is daughter-in-law of the respondent no. 1. The respondent no. 1 had filed an application before the Sub-Divisional Officer under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short "the Act of 2007"). By the order dated 13/06/2018, the Sub-Divisional Officer rejected the application filed by the respondent no. 1. The respondent no. 1 filed appeal before the Collector under Section 16 of the Act of 2007 which is allowed by the impugned order. The learned Collector has directed the petitioner and the present respondent no. 2 (husband of the petitioner and son of the respondent no. 1) to hand over possession of the house in question to the respondent no. 1 within two months.

The contention of the petitioner is that the house in question is constructed on two plots, out of which one plot is owned by the respondent no. 1 and other plot by her brother-in-law i.e. brother of the respondent no. 2 and the respondent no. 2 is living separately alongwith another woman, and the petitioner and her minor daughter are deserted by the respondent no. 2, the petitioner alongwith her minor daughter are constrained to seek shelter in the house in question.

The learned Collector has observed that the house in question is constructed by the respondent no. 1 from her own funds. The learned advocate for the respondent no. 2 has submitted that the respondent no. 2 does not intend to challenge the order passed by the learned Collector. The respondent no. 2 has filed an affidavit sworn on 05/03/2019 stating that he is ready to provide a separate rented accommodation for the petitioner and minor daughter. To avoid any further controversy, the learned advocate for the petitioner and the learned advocate for the respondent no. 2 are heard on the nature of accommodation or the amount of rent the respondent no. 2 will be paying. It is agreed between the petitioner and the respondent no. 2 that the respondent no. 2 will pay Rs. 10,000/- per month towards rental charges towards accommodation for the petitioner and minor daughter. This amount of Rs. 10,000/- per month would be in addition to the amount of maintenance /interim maintenance granted by the Court. It is submitted on behalf of the respondent no. 2 that this amount of Rs. 10,000/- will be paid to the petitioner from April 2019, and the amount would be paid till 5th of every month, starting from 05/04/2019.

The advocate for the petitioner has consented that the petitioner and her daughter will be permitted to occupy the house in question till 31/03/2019.

The assurances given on behalf of the respective parties are accepted.

In view of the above understanding, I see no reason to interfere with the impugned order.

The writ petition is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari