



ideals and traditions that parents and elders are to be treated with highest respect, love and empathy. These values appear to have remained eclipsed in the present case on account of greed for property and money. It is so disheartening that at such old age when the only expectation of a senior citizen, from the near and dear ones is of care, concern, affection and love, instead, what has been returned is harassment, wretchedness, suffering and abuse.

2           Smt. Nirmala Dharmadas Jhaveri (for short, “**grandmother**”) respondent No.1, who is 89 years of age is required to defend herself against her adamant grandson Abhimanyu Jayesh Jhaveri (for short, “**Abhimanyu**”) - petitioner in the first petition and her own son Jayesh Dharmadas Jhaveri (for short, “**Jayesh**”) - petitioner in the second petition, in proceedings initiated by the grandmother under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (for short, “**the Act**”).

3           The Senior Citizen’s Tribunal, Mumbai (for short, “the **Tribunal**”) by the impugned order dated 30<sup>th</sup> July 2021 has allowed the grandmother’s application filed against Jayesh and Abhimanyu, which is assailed in both these petitions. On 1<sup>st</sup> October 2020, the grandmother approached the tribunal invoking the provisions of the said Act initially claiming maintenance. The grandmother subsequently filed a second application as

seen on page 29 of Abhimanyu's petition setting out the details of her plight. She stated that she is scared of her son Jayesh as he is using all pressure tactics to make sure that she gives away all the assets to him, which were standing in her name and in the name of her late spouse Shri. Dharmadas Jhaveri. She stated that after her husband passed away on 25<sup>th</sup> March 2017, Jayesh along with his wife Sonal, grandson Abhimanyu and his wife Apeksha left their own house and came to reside with her, at her residence being Flat No.A/12, Mahavir Building, 165, Derasar Lane, Ghatkopar (East), Mumbai – 400 077. Prior thereto she was peacefully residing in the said flat along with her husband (father of Jayesh and grandfather of Abhimanyu). She pleaded that after Jayesh and Abhimanyu along with their spouses entered her house, there were continuous arguments and violence as Jayesh pressurized her to transfer all the assets in her name and in the name of her late husband, solely in his favour, and not give any share to her two daughters Rashmi and Tanvi, who also had equal shares in the estate of the grandmother and that of her deceased husband. She stated that Jayesh had filed a criminal case against her under the provisions of Section 138 of the Negotiable Instruments Act before the Court of Metropolitan Magistrate at Vikroli. The grandmother pleaded that the sole purpose of Jayesh and his family leaving their house and coming to stay with her was with a motive to secure transfer of all her assets in his name.

4           The grandmother stated that when she refused to succumb to such pressures and persistence of Jayesh to transfer all the assets in his name, he started behaving violently, which caused her to leave her own flat and stay with one of her daughters, Rashmi and her husband Umesh in whom she had complete faith that they would take care of her including meeting all her medical needs. She was compelled to leave her house without any belongings except two pairs of clothes. The grandmother stated that she was happily living with her daughter Rashmi. She stated that even after she left her house, the behaviour of Jayesh continued to remain violent and he started causing distress not only to her life but also to her married daughters. There were threats from Jayesh of legal actions, civil and criminal against her daughter and her family which disrupted her living with her daughter Rashmi. She, therefore, decided that she would go back to her own house so that Jayesh would not disturb the family members of any of her daughters, including her daughter Rashmi. The grandmother in her application which also inter alia dealt with Abhimanyu's reply dated 10<sup>th</sup> March 2021, made the following prayers :

**(Official Translation)**

“7. At the end, I once again state that from my this complaint, directions may be given to the Respondent that,

- A) The property belonging to me and of my right received by me by virtue of the Registered Will dated 29/10/2013 of my husband late Shri. Dharmadas Manilal Zaveri, may be returned to me by them.**
- B) My house viz. 'Mahavir Niwas' wherein the Respondent is residing**

**alongwith his family at present, stands in my name. They may be removed from the said house and the said house may be returned to me.**

- C) The entire amount standing credited to my account may be returned to me together with the accounts thereof from the Respondent.
- D) Directions may again be given to the Respondent to return the entire amount standing credited to the account of my husband together with the accounts thereof.
- E) The entire immovable property given and bequeathed to me by my husband Late Shri. Dharmadas Manilal Zaveri by virtue of his Registered Will dated 29/10/2013, may be returned to me. And,
- F) The regular maintenance expenses may be given to me as prayed for in this complaint before the Hon'ble Court, because my daughters are housewives and hence, they cannot give the amount for me.

Place:- Mumbai.

Date 16<sup>th</sup> March, 2021

Nirmala Zaveri  
Applicant"

5           Insofar as the legal proceedings are concerned, quite peculiarly, Abhimanyu has taken an extremely hard adversarial position, asserting his rights more than what Jayesh – his father can assert. The tenor of his reply where he calls his grandmother by her name shows the degree of his respect for her, more particularly when he is enjoying the grandmother's flat. He responded to the grandmother's plea by filing his reply dated 5<sup>th</sup> June 2021 which is to the following effect :

"In connection with Senior Citizen Application No. 23 of 2020 filed by Smt. Nirmala Dharmadas Jhaveri, in which I am Respondent No.2,

I make my additional submission as under :

Smt. Nirmala Dharmadas Jhaveri is relying on Will dated 29.10.2013 executed by late Dharmadas Manilal Jhaveri. As mentioned in Para-12 of the said Will, the Testator Dharmadas Manilal Jhaveri has bequeathed the Flat No. A/12, Mahavir Building, 165, Derasar Lane, Ghatkopar – East, Mumbai – 400 077 to me.

Though the said flat was purchased in the name of Smt. Nirmala Dharmadas Jhaveri, it was purchased by Dharmadas M. Jhaveri out of his own income and Smt. Nirmala Dharmadas Jhaveri did not have any independent source of income to buy the flat. Thus late Dharmadas M. Jhaveri was the real owner of the said flat, and as per Para-12 of the Will dated 19.10.2013, I have become owner of the said flat after death of Testator Dharmadas M. Jhaveri Smt. Nirmala Dharmadas Jhaveri has never disputed the Will dated 29.10.2013. On the contrary she is relying on it. Thus, Smt. Nirmala Dharmadas Jhaveri has accepted the said Will dated 29.10.2013.

I further say that, though I have become owner of aforesaid Flat No. A/12, Mahavir Building, 165, Derasar Lane, Ghatkopar – East, Mumbai – 400077, as Smt. Nirmala Dharmadas Jhaveri is my grandmother (my father's mother), I don't have objection if she resides in the aforesaid flat with us.

The present matter is mainly for maintenance claimed by Smt. Nirmala Dharmadas Jhaveri. However after going through the contents of aforesaid Will dated 29.10.2013 with assistance of the Advocate few days ago, I felt it necessary to make it clear that though Smt. Nirmal Dharmadas Jhaveri is claiming to be owner of the aforesaid flat, in fact as per Will dated 29.10.2013, not Nirmala Dharmadas Jhaveri, but I am real owner of the said flat after death of my grandfather Dharmadas M. Jhaveri. Hence, I am filing this additional submission before your Honour.”

6 Abhimanyu did not stop at this, he filed additional submissions before the Tribunal dated 30<sup>th</sup> June 2021, to the following effect:

“In connection with Case No. 23 of 2020 filed by Smt. Nirmala Dharmadas Jhaveri,

I make my additional submission as under :

I noted that the signatures of Mrs. Nirmala D Jhaveri were mismatched in all the response filed. Hence, I decided to call and ask her about the same on 30<sup>th</sup> June 2021, at 10:05 AM, on the number 022-24316891. During this conversation, I asked her if she was aware about the matter and the amount that she has demanded in this Maintenance case. Her response was that she is not aware of the same.

I would like to bring this on record that Mrs. Nirmala D Jhaveri has no knowledge of anything -neither the amount demanded in this Maintenance case, nor about the nature of this case, she does not know anything. Therefore it shows that the signatures are not her signatures.”

7 The Tribunal considering the rival contentions of the parties has recorded the following findings which depicts the plight of the grandmother :-

**(Official Translation)**

Moreover, during the life time of her husband, the Plaintiff was residing in the house at A-12, Mahavir Building, Ghatkopar, alongwith her husband. From the available documents, it is found that the property in dispute stands in the name of the Applicant. **As per the say of the Plaintiff, after the death of her husband, the Respondent alongwith his family, forcibly started residing in the said house at Ghatkopar. During the life time of the Plaintiff's husband, the Respondent alongwith his family was residing somewhere else.** It is mentioned that due to the harassment from the family of the Respondent, the Plaintiff left the said house and started residing in the house of her daughter. **The Plaintiff is a senior citizen and she was residing in the said house since long. The Plaintiff has expressed her desire to reside in the very house.** The Plaintiff has mentioned that earlier, the Respondent was residing somewhere else but the Respondent has not given any explanation that he was residing in the very house. **From this, it becomes clear that earlier the Respondent alongwith his family, was residing somewhere else. Now, the Plaintiff does not want the Respondent and his family in the said house.** Moreover, the main fact is that the Respondent has mentioned that his father had executed a Will on the date 20.01.2017 however, the Respondent has not yet submitted the copy of the said Will dated 20.01.2017 to the Court and therefore, the Court is doubtful about the same. **Moreover, from the available documents, it is found that a Public Notice was published through Shri S. S. Jain, the Advocate of Shri Dharmadas M. Zaveri, the husband of the Applicant and father of Respondent No. 1 that his son i.e. Respondent No. 1 has been dispossessed from his property and that he shall not have any relation with him. This Court is of the clear view that in order to see that the Plaintiff should lead her remaining life contentedly, it would be lawful to give the possession of the said house by Respondent No. 1 and 2 to the Plaintiff to reside therein.** However, in Civil Appeal Suo Motu PIL No. 1/2021 filed before the Hon'ble High Court, Mumbai, interim stay has been granted up to the date 13<sup>th</sup> August, 2021 for vacating the house (implementing the order) due to the spread of COVID-19. Therefore, this court is of the view that after the stay granted in the said PIL filed before the Hon'ble High Court, Mumbai, is vacated, it would be lawful to take action of handing over the possession of the house by the Tahsildar, Kurla (Mulund).

(emphasis supplied)

Being aggrieved by the above order passed by the tribunal directing eviction of Jayesh and Ahimanyu from the flat, both of them are before the Court in the present proceedings.

8           At the outset, it needs to be observed that Mr. Amit Sale, learned Counsel for Jayesh has stated that his client does not have any objection to vacate the flat and to make way for the grandmother to occupy her own flat. In my opinion, this is a fair stand. It also reflects a realization on the part of Jayesh that he would not have any legal right when the flat is belonging to his mother much less any exclusive right to claim any occupation or possession of the flat, till the lifetime of his mother. This being the fair position taken by Jayesh however, an extreme paradox is seen from the terse and abrupt stand taken by Abhimanyu, which can also be seen from the harsh tenor of the arguments advanced by Mr. Kishor Patil, learned Counsel appearing for him. It is difficult to believe the vehemence with which Abhimanyu, without a semblance of legal right can take a position to oust the grandmother from the flat and/or assert his right to continue in occupation of the flat belonging to the grandmother.

9           Abhimanyu is asserting a claim on the basis of a purported Will dated 29<sup>th</sup> October 2013 of his grandfather Dharmadas Maniklal Jhaveri to claim that the said flat has been bequeathed to him. Abhimanyu admits that

the flat belonged to the grandmother, however, a spacious plea is taken that although the flat was purchased in the name of the grandmother by his grandfather, as the grandmother had no independent source of income, hence, his grandfather was the real owner who has bequeathed the flat to him by the purported Will and hence he has become the owner of the flat. He, however, makes a charitable statement that he would not mind if the grandmother decides to stay with him. These averments are noted above.

10           Abhimanyu's case has been canvassed with extreme tenacity by Mr. Patil. Mr. Patil would submit that a further opportunity of hearing ought to have been granted to his client by the tribunal, for the reason that when the proceedings were taken up for final hearing by the tribunal, his client was suffering from COVID-19 and was unable to make his submission. It is thus the case of Abhimanyu that the impugned order is passed in breach of the principles of natural justice insofar as Abhimanyu is concerned. In support of this contention, Mr. Patil has placed reliance on the Judgment of the Hon'ble Supreme Court in **Manohar s/o. Manikrao Anchule versus State of Maharashtra & Anr.**<sup>1</sup>. This was a case under the Right to Information Act, 2005, wherein the Supreme Court has held that a provision of penalty under Section 20 of the Act or penal consequences have to be construed strictly

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<sup>1</sup> 2012 (13) SCC 14.

while holding that in the adjudicatory process undertaken in such context, principles of natural justice are required to be recognized and the parties heard. There can be no quarrel on this proposition. In my opinion, in the present case, the contention that Abhimanyu was not heard cannot be accepted inasmuch as he had already filed two written submissions as noted above. Be that as it may, even if such plea is accepted, on a query made to Mr. Patil as to what more Abhimanyu wanted to urge before the tribunal by having an additional opportunity, Mr. Patil is unable to point out any case other than what was pleaded in the replies filed by Abhimanyu before the tribunal, and which has been elaborately considered by the tribunal.

11           It is quite clear from the above discussion, that the question which arises for consideration is whether Abhimanyu on the purported Will of his grandfather can refuse to vacate the flat in question. The answer to this question, in my opinion, would be in the negative. Abhimanyu is asserting a claim in a manner not known to law, for more than one reason. Firstly, respondent No.1-grandmother is admittedly the owner of the flat in question, the share certificate in relation to the said flat stands in her name. This flat is continuously reflected in her income-tax returns as her asset. She is also paying the maintenance towards the said flat. She has categorically stated not only in her affidavit before the tribunal but also in the affidavit filed before this Court, that she is the sole owner of the said flat. She has also

stated that Abhimanyu along with other family members, since the demise of her husband, is taking all possible steps to usurp all her properties which are worth about 20 Crores. She has categorically stated that till the demise of her husband, only her husband and herself used to reside in the said premises and neither Jayesh nor Abhimanyu ever stayed with them. In fact, Jayesh (Abhimanyu's father) was disowned by her husband by public notice dated 11<sup>th</sup> June 1985 (page 276 of the paper book), which reads as under :

Public in general are informed that my client Shri Dharmadas M. Jhaveri has severed all his connections and relations with his son Jayesh D. Jhaveri. The said Jayesh D. Jhaveri has no right, title or interest of any nature whatsoever in all or any of the properties of my client including his firms and my client has no relation or connection with his aforesaid son of any type and whosoever may deal with him in any capacity in connection with any matter including any business transaction or money transaction will be doing so at his own risk and responsibility.

S.S.Jain,  
Advocate for Dharmadas M. Jhaveri,  
Shreenath Bhavan, 1<sup>st</sup> Floor, Room  
No.11, 27 Picket Cross Road,  
Bombay 400 002.  
09/11/6/85.

12 She has stated that the above public notice was issued as Jayesh used to torture her husband for property. The grandmother has also contended that Jayesh along with his wife were living in Flat No.8, 2<sup>nd</sup> Floor, Pritam Building, Khushman Co-operative Housing Society, Garodia Nagar, Ghatkopar (East), Mumbai 400077, which was also purchased in the year 1985 from the funds of her husband. She contends that Jayesh, therefore, has another residence and so does Abhimanyu, hence, Jayesh and Abhimanyu

cannot claim any right whatsoever, to occupy her flat and cause harassment to her at this old age. She has stated that after the demise of her husband when she was unwell and was in a vulnerable state, Jayesh and Abhimanyu took advantage of the situation and under the garb of taking care, foisted themselves on her, by residing in her flat, solely with the motive to grab the property. She has set out repeated events of physical harassment and mental torture which went to such an extent that she attempted to commit suicide.

13           The grandmother has categorically contended that Abhimanyu has set up a false case on her husband's Will. She contends that as per her husband's last Will dated 29<sup>th</sup> October 2013, all his assets were bequeathed to her and only if she predeceased him the assets would go to Abhimanyu, and hence, she is the sole beneficiary of all his assets. Such bequeath is of bungalow No.63 in Rajgad Co-operative Housing Society, Lam Road, Devlali, Nashik District; business run in the name M/s. Dharmadas M. Jhaveri & Company; plot of land at East Cotton Depot, Cotton Green Railway Station; moneys in bank account; shares in DEMAT and all other investments and residuary assets. She pleaded that her late husband was residing in the present premises of which she was at all material times the owner and continues to be so. She is hence, member of the society and her late husband's name was added as an associate member. It is her categorical contention that her husband did not have any right to bequeath her assets

under his Will.

14           It is thus clear, that if Abhimanyu intends to assert any right on the flat in question on the basis of any Will of his grandfather, and more particularly, when such will is admittedly not probated, when the parties are within the jurisdiction of this Court, Abhimanyu could not have asserted any right to retain possession or occupation of the grandmother's flat which independently belonged to her as an owner, which even Abhimanyu does not deny, except for the Will, which in any case are future rights to be established in appropriate adjudication. The law in that regard is well settled.

15           In my opinion, this is a classic case where son Jayesh and grandson Abhimanyu have left no stone unturned to make life of the grandmother a living hell. She was thrown out of her own house by sustained physical and mental torture by Jayesh's family. She was required to take shelter in her daughter Rashmi's house. After she went to the daughter's house, again Jayesh and Abhimanyu started harassing the grandmother which caused problems even to the family members of her daughter and ultimately, the grandmother was constrained to take recourse to the provisions of the Act. How much a senior citizen, that too who is at the age of 89, should be harassed for the greed for property ?

16           The object of the Act is to provide for more effective provisions for the welfare and maintenance of parents and senior citizens as guaranteed

and recognized under the Constitution of India and matters connected therewith. Senior citizens at their advanced age in life become helpless, more particularly, when confronted with an obnoxious and unpleasant situation, where greedy and selfish children and relatives intend to exploit the senior citizens for material gains. Most vulnerable become those senior citizens, who have movable and immovable properties, earned by them by their hard work, only to suffer such nightmare and a calamity, being foisted on them by such selfish and greedy members of the family. It would not be out of place to state that Courts have witnessed senior citizens knocking the doors of the Courts throughout the country, praying for reliefs under the Act. It is seen that when such senior citizens have property and when they become physically, psychologically and mentally weak and dependent and or they are in ill health, in such helpless position, the torture, harassment and depravement to them, from self-centered relatives and family members commences so as to grab their property. Justice G. S. Patel speaking for the Division Bench in **Sweta Shetti versus State of Maharashtra**<sup>2</sup> has echoed such concern in the following words :

“15. .... Indeed, it is our experience that in this city, and particularly or most especially amongst the wealthy of this city, senior citizens and elderly parents are being subjected to all kinds of harassment and deprivation in their twilight years. In case after case, we have complaints from senior citizens that their own sons and daughters are harassing them. In every case, the harassment is an attempt to somehow grab the senior citizen's property in his or her

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<sup>2</sup> WP (L) No.9374 of 2020 (Original side), dated 25<sup>th</sup> November 2021.

lifetime without thought spared to the mental or physical health well-being or happiness of these seniors. The present case is no different. Mr Shetty says Shweta demands 'her share'. What is her 'share' while he is alive? She has none. He may indeed give his flat and all wealth away inter vivos. That is his choice. She cannot prevent him from doing so. So long as he is alive, Shweta has no 'share' in his property.

16. We are of the considered view that this is not an isolated experience at all. It is, in fact, a widely noticed trend and it is to address this evil — we will not even call it mischief — that the 2007 Act was brought into force.”

17 Now coming to the facts of the present case, the grandmother who is in desperate need of a shelter i.e. her own house, and to be left free from torture, being caused to her by Jayesh and Abhimanyu, was justified in invoking the provisions of the Act. This is a clear case where the grandmother in the spirit as to what has been provided by Sub-section (3) of Section 4 of the Act, wishes to lead a normal life. Both Jayesh and Abhimanyu have not only failed to maintain the grandmother, but also have caused mental and physical harassment and depravement to her material needs to the extreme extent that she was thrown out of her own house, only with an intention to grab the said flat. It is not the case that Jayesh and Abhimanyu are persons without sufficient means. Jayesh has his own house which was purchased from his father's income as stated by the grandmother. Jayesh and Abhimanyu, who are financially well off and well placed, are torturing the grandmother with the greedy and acquisitive intention to grab the flat of the grandmother. In a similar situation, considering the provisions of Sections 4 and 5 of the Act in the case of **Ashish Vinod Dalal & Ors. versus**

**Vinor Ramanlal Dalal & Ors.** <sup>3</sup>, this Court had observed thus :

“8. There is a more fundamental question which needs to be addressed, namely, whether the parents in the present facts were in any manner precluded from taking recourse to the provisions of Sections 4 and 5 of the Senior Citizens Act to enforce the needs of such senior citizens to lead a normal life. The answer to this question would certainly be in the negative. The provisions of the Senior Citizens Act are required to be construed to take within its ambit the maintenance of the senior citizens which certainly would include all facets of maintenance as provided for in Section 4 of the Senior Citizens Act, which would aid the senior citizens to lead a normal life. This certainly includes the senior citizens asserting rights in respect of ‘property’, the meaning of which, is spelt out by section 2(f) of the Act to mean property of any kind, whether movable or immovable, ancestral or self-acquired, tangible or intangible and which would include rights or interest in such property.

9. As provided in sub-section (2) of Section 4, the obligation of the children or relative, as the case may be, to maintain a senior citizen, extends to the needs of such citizen so that senior citizen may lead a normal life, which would certainly take within its ambit a protection from any harassment and torture meted out by a son or relative by keeping himself on the premises of the senior citizens. The intention of the legislature to provide such protection to live a normal life to the parents is also reflected in the provisions of sub-section (3) of Section 4 which provides that the obligation of the children to maintain his or her parents extends to the need of such parents either father or mother or both, as the case may be so that such parents ‘may live a normal life’. Maintenance is also defined in Section 2(b) to include provision for food, clothing, residence, medical attendance and treatment. Further Section 3 of the Senior Citizens Act gives an overriding effect to the provisions of the said Act notwithstanding anything inconsistent therewith contained in any enactment other than the said Act.

10. It is thus clear that the intention of the legislature in making such provisions in the interest of senior citizens, covers a wide spectrum of the senior citizens rights, which are fundamental to the their very survival and/or livelihood at their old age. Certainly the Court’s approach cannot be narrow and pedantic in applying the provisions of the Senior Citizens Act to the grievances of the senior citizens falling within the ambit of the said Act. A protection from harassment, exploitation, neglect, psychological disturbances, psychological needs, and all possible facets to safeguard their physical and mental health are required to be recognized when sub-section (2) and sub-section (3) of Section 4 clearly provide that the obligation of

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<sup>3</sup> 2021 SCC OnLine Bom 2976.

the children or relatives would be to cater to the needs of the senior citizens so that they 'live a normal life'. The words "normal life" as used in these provisions would possess a far deeper and wider concept, deriving its meaning and having a bearing on the fundamental rights of livelihood as guaranteed and enjoyed by senior citizens under Article 21 of the Constitution. Certainly, this would include a right to prevent themselves from being harassed by children and by relatives. This is also clearly borne out by the preamble to the Senior Citizens Act which reads thus:-"An act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognized under the Constitution and for matters connected therewith or incidental thereto."

12. This is a classic case where the petitioner nos.1 and 2 intend to prevent the parents from leading a normal life at their old age of about 90 years. The several legal proceedings between the parties are the evidence of the feeling of torture and harassment by the parents. The property in question is not an ancestral property on which the petitioner no.1 can claim any legal right so as to keep himself on such property along with his family and foist themselves on the parents against their wishes by remaining on the property without any legal rights. This itself is a harassment and/or defeating the parents right to lead a normal life."

18 The facts of the case are not too different from what was considered by this Court in Ashish Vinod Dalal's case. In the above circumstances, the petitioners in the absence of any legal right have failed to make out any case against the orders passed by the tribunal directing the petitioners to vacate the flat. The Supreme Court in paragraph 20 of the Judgment in **S. Vanita versus Dy. Commissioner, Bengaluru Urban District & Ors.**<sup>4</sup>, had held thus :

"20....The tribunal under the Senior Citizens Act 2007 may have the authority to order an eviction, if it is necessary and expedient to ensure the maintenance and protection of the senior citizen or parent. Eviction, in other words would be an incident of the enforcement of the right to maintenance and protection. However, this remedy can be granted only after adverting to the competing claims in the dispute....."

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4 2020 SCC OnLine SC 1023.

19           In so far as the contentions of Mr. Patil, relying on the decision of **Manohar s/o. Manikrao Anchule's** (*supra*), that the principles of natural justice required a further hearing to be given to Abhimanyu is required to be stated only to be rejected. There can be no doubt on the position in law that every party who is before the Court would be heard. However, this is not a case where Abhimanyu was not heard at all, whereas he has filed repeated replies/written submissions. In any event, Mr. Patil is completely at a loss to state as to what further plea could be advanced before the tribunal which was not already advanced so that it can be said that a prejudice is caused to him. Abhimanyu's main plea on the basis of his grandfather's Will itself is totally untenable, as also this was the only case as canvassed by Mr. Patil before this Court. Such plea which is fundamentally bereft of any foundation in law, which the petitioner realizes, however, was nonetheless blown out of proportion.

20           It needs to be noted that although Jayesh has vehemently contested the proceedings before the tribunal, he has taken a back seat before this Court and has put forward his son Abhimanyu to assert all vehemence in assailing the tribunal orders and that too on a feeble plea of the purported Will of the grandfather, however completely oblivious and in the teeth of the position in law which would confer complete powers on the tribunal to safeguard the senior citizens of such harassment, torture and depravement

being foisted by the son and grandson. These situations are required to be dealt with iron hands as the law would mandate. The Court would part with this order, with a hope that wiser sense would prevail on the petitioners and they would show empathy and mercy towards the grandmother so that she is not required to physically visit any Court as she did for the present proceedings and toil any further.

21 In the above circumstances, there is certainly no merit in the writ petitions. Both the writ petitions are dismissed.

22 The petitioners along with their spouses are directed to vacate the grandmother's flat within ten days from today. In fact, on the date when order was reserved, Mr. Amit Sale, learned Counsel for Jayesh, who was also present in the Court, on his instructions, stated that Jayesh would vacate the flat within ten days. Abhimanyu also now needs to vacate the flat and he shall vacate the same within ten days from today. Ordered accordingly.

23 This was a fit case to impose costs. I, however, refrain to do so.

24 At this stage, Mr. Sale, learned Counsel for the petitioners prays for stay of this order. It is surprising that he can make such a prayer when he had already made a statement before this Court that Jayesh would vacate the premises within ten days. The prayer for stay is, accordingly, rejected.

**(G. S. KULKARNI,J.)**

Corrected as per speaking to minutes dated 21 December, 2021.