



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twelfth day of November Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE M.DHANDAPANI

WMP.No.19315 of 2021

IN WP.No.18082 of 2021

SRI.MR.ASHOKAN RAYAROTH [PETITIONER]

Vs

1 SMT.RAYAROTH SANTHA [RESPONDENTS]

2 SRI.CHANDRAN RAYAROTH

3 SRI.R.PAVITHRAN RAYAROTH

4 THE SUB REGISTRAR,
THE SUB-REGISTRAR OFFICE, MAHE,
CIVIL STATION, MAHE, PUDUCHERRY 673 310

5 THE MAINTENANCE AND WELFARE OF SENIOR CITIZENS,
TRIBUNAL REPRESENTED BY ITS REGISTRAR,
GOVERNMENT HOUSE, MAHE, PUDUCHERRY 673 310

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an order of Interim Stay of the impugned order in No. 4450/SDM/C2/2020-21 /159 dated 20.04.2021 on the file of the 5th respondent Tribunal, (in WMP.No.19315 of 2021) pending disposal of the WP.No.18082 of 2021.

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.DINUPRASANTH, Advocate for M/S.RAMASWAMY MEYYAPPAN, Advocate for the petitioner and of MR.C.RAJAN, Advocate for the 1 to 3 Respondents and of M/S.STALIN ABHIMANYU, GOVERNMENT ADVOCATE on behalf of the 4th and 5th Respondents, the court made the following order:-



The learned counsel appearing for the petitioner would submit that the first respondent is the mother of the petitioner and respondents 2 and 3 are the elder brothers of the petitioner. He further submitted that initially the first respondent executed an unconditional gift deed with two third share in favour of the petitioner and one third in favour of the son of the second respondent and registered the same as Document No.14437 of 2016 at Sub-Registrar Office, Mahe.

2.The learned counsel appearing for the petitioner would further submit that thereafter at the instigation of the second respondent, the first respondent preferred application under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Maintenance Tribunal constituted under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, for revocation of the gift deed and the Tribunal vide order dated 20.04.2021 made in No.4450/SDM/C2/2020-21/159 cancelled the gift deed and declared the same as null and void and directed the Sub Registrar, Mahe, to make necessary entries about the cancellation of the gift deed and also directed the petitioner and third respondent to give an amount of Rs.2,000/- each per month to the first respondent towards maintenance and medical expenses and to pay the same before 5th of every month and aggrieved by the same, the petitioner has filed the writ petition.

3.The learned counsel appearing for the petitioner would further submit that the petitioner agree to pay the sum of Rs.2,000/- per month to the first respondent as ordered by the Tribunal, however, entries for cancellation of the gift deed may not be made till the disposal of the writ petition and prayed for an order of interim stay of the impugned order.

4.Mr.C.Rajan, the learned counsel takes notice on behalf of the respondents 1 to 3 and would submit that the first respondent is an age old lady and since the petitioner and respondents 2 and 3 did not take care of her, she approached the Tribunal and seeks time to file a counter affidavit. Pursuant to order of the Tribunal the gift deed was cancelled and revenue records are also muted in favour of first respondent.

5.This Court also heard the submissions made by Mr.Stalin Abhimanyu, learned Government Counsel who takes notice on behalf of the respondents 4 and 5.

6.Since the petitioner agree to pay the sum of Rs.2,000/- per month to the first respondent as ordered by the Tribunal, there shall be an order of interim stay of the impugned order. Further, the petitioner and the first respondent are directed to not to alienate the disputed property till the disposal of the writ petition.



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7. This miscellaneous petition is ordered on the above terms.

-sd/-

12/11/2021

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUB REGISTRAR,
THE SUB-REGISTRAR OFFICE, MAHE,
CIVIL STATION, MAHE, PUDUCHERRY 673 310

2 THE MAINTENANCE AND WELFARE OF SENIOR CITIZENS,
TRIBUNAL REPRESENTED BY ITS REGISTRAR,
GOVERNMENT HOUSE, MAHE, PUDUCHERRY 673 310

C.C. to MR.C.RAJAN, Advocate SR.NO.6504/2021

C.C. to M/S.GOVERNMENT PLEADER (PUDUCHERRY) SR.NO.6512/2021

Order

in

WMP.No.19315 of 2021

IN WP.No.18082 of 2021

Date :12/11/2021

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