

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 209 OF 2021

Jose Remedios Rodrigues ... Petitioner
Vs.
Presiding Officer, Maintenance
Tribunal & Deputy Collector &
Sub Divisonal Officer & 2 Ors. ... Respondents

Mr. Arjun Naik, Advocate for the Petitioner.
Mr. Nigel da Costa Frias with Mr. G. Malik, Advocates
for Respondent No. 2.
Mr. Nikhil Vaze, Advocate for Respondent No. 3.

CORAM: C.V. BHADANG, J.

DATED: 26 APRIL 2022.

ORAL ORDER:

This is an unfortunate dispute between a mother and a son. The second respondent, who is the mother of the petitioner as well as the third respondent, had approached the competent Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act of 2007, for short), complaining about the alleged illegal action of destruction/damage of the property, namely, the farm/plantation of the second respondent. The competent Authority by the impugned order dated 08.06.2020 has restrained the petitioner

from interfering and destroying the property until further orders.

2. In this case, by an order dated 07.08.2020, this Court has directed the parties to maintain status quo, which order has been continued from time to time.

3. I have heard the learned Counsel for the parties.

4. It is submitted by Mr. Naik, the learned Counsel for the petitioner that the second respondent has not claimed any maintenance and therefore, the proceedings initiated are not competent. It is submitted that the Act of 2007 does not provide for any relief in the nature of injunction, seeking restraint from damaging the property. It is submitted that the petitioner has not damaged any such property/plantation.

5. The learned Counsel for the second and third respondents submit that the Act of 2007 has to be read in letter and spirit and it provides for protection and maintenance of the senior citizens. It is submitted that the act, complained of by the second respondent is in the nature of damage caused by the petitioner to the plantation.

6. I have considered the circumstances and the submissions made.

7. It is necessary to note that the present Petition arises out of an interim order. The main Application is stated to be pending before the competent Authority. It also transpired during the course of the hearing that Inventory Proceedings are initiated between the parties, which are pending before the competent Civil Court. As noticed earlier, the status quo is operating from 07.08.2020.

8. In such circumstances, in my considered view, it would be appropriate if the status quo is continued for a period of eight weeks, leaving the parties to take appropriate remedy as may be available in law.

9. In the result, the Petition is disposed of in the following terms:

- (a) The status quo granted on 07.08.2020 shall continue for a period of eight weeks from today.
- (b) The parties will be at liberty to take recourse to the appropriate remedy as may be available in law and if so advised.
- (c) The impugned order is modified to that extent.
- (c) Rival contentions of all parties on merits are left open.

C.V. BHADANG, J.