

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8068 OF 2022

Gita Dilip Raskar & Anr.

..Petitioner/s

v/s.

Pandurang Genuji Vidhate & Anr.

..Respondents

Mr. Karunakar Mahendra Prasad Jena for the Petitioner/s.

Mr. Ajit Savagave for the Respondent No.1.

Mr. P.P.Pujari, APP for the Respondent-State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 8th DECEMBER, 2022.**

P.C.

1. Heard learned Counsel for the Petitioner. Perused the records. The Petitioner herein has impugned order dated 29.04.2022, whereby the SDO has allowed the application filed by the Respondent and has directed the Petitioners to vacate the premises within 30 days.

2. The Petitioner No.1 is the married daughter and the Petitioner No.2 is the son in law of the Respondent. The Respondent father who is 77 years of age, had filed an application alleging that his children are married and are residing separately. He has stated that he had purchased hut no. TG-172-2, situated at Hanumanpada, Shivaji Tekadi, Mulund Colony, Mulund (West), Mumbai 400 082. He had permitted the Petitioners to temporarily occupy the said premises. It is stated that the Petitioners refused to vacate the premises and started threatening the

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Respondent. The Respondent had also lodged a police report against the Petitioners for abusing him and subjecting him to harassment. He, also filed an application under Section 4 of The Maintenance and Welfare of Parents and Senior Citizen Act, 2007, which came to be allowed.

3. Learned Counsel for the Petitioners states that the premises were purchased by the mother of the Petitioner No.1. It is submitted that the mother had taken loan of Rs.50,000/- from the Petitioners and since she was unable to pay the loan, she had transferred the premises in the name of the Petitioners. There is nothing on record to indicate that the premises were in fact purchased by the mother and that the same were transferred in the name of the Petitioners. It is not in dispute that the mother of petition No.1 has expired. The Petitioners are residing in the premises owned by Respondent No.1. Records indicate that rather than taking care and maintaining the father at his vulnerable age, the Petitioner No.1 and her husband have left him in helpless situation by subjecting him to verbal and emotional abuse and harassment. In such circumstances, Respondent has right to evict the Petitioners who otherwise do not have any right to the property/premises.

4. Considering the peculiar facts and circumstances, I am not inclined to interfere with the order. Hence, the petition is dismissed.

(ANUJA PRABHUDESSAI, J.)