



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

Writ Petition No.4044/2023

Harshal and another V Sub-Divisional Officer, Morshi and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. P.A. Kadu, Adv for petitioners.
Mrs. Charlewar, AGP for resp. no.1.
Mr. Vairagade, Adv for resp. no.2.

CORAM : AVINASH G GHAROTE J.
DATE : 16-10-2023

Heard Mr. Kadu, learned Counsel for the
petitioners, Mr. Vairagade, learned Counsel for respondent
no.2 and learned AGP for respondent no.1.

2. The present petition questions the order dated
10-04-23 passed by the learned Sub-Divisional Officer,
Morshi (S.D.O.), under the provisions of the Maintenance
and Welfare of Parents and Senior Citizens Act, 2007 (for
short, 'the said Act'), whereby the Gift Deed dated
09-11-2017 executed by respondent no.2 in favour of
respondent no.1 has been cancelled. The only plea raised by
learned Counsel for the petitioners is that the impugned
order is *sans* any reason whatsoever. A perusal of the
impugned order does indicate so. As page 17 indicates that in
3 sentences, the S.D.O. has decided to cancel the document.
In my considered opinion, this does not satisfy the
requirement of law as any order under Section 23 of the said
Act, cancelling the registered document, will have to be a

reasoned one.

3. Mr. Vairagade, learned Counsel for respondent no.2 does not dispute what has been spelt in page 79, and three sentences are the only reasons, considering which, the impugned order is hereby quashed and set aside and the matter is remitted back to the learned S.D.O. for any decision which may be taken by him by giving appropriate reasons.

JUDGE

Deshmukh