



W.P(MD)No.29786 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29786 of 2023

and

W.M.P(MD)No.25701 of 2023

Saravanan

... Petitioner

Vs.

1.The Revenue Divisional Officer cum

Senior Citizens Tribunal,

Iluppur,

Pudukottai District.

2.Lakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Prohibition prohibiting the first respondent from proceeding with an enquiry under section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens



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Act, 2007 (Act 56 of 2007) on the basis of the application of the second respondent seeking to cancel the settlement executed in favour of the petitioner registered as Doc.No.1389/2016 dated 07.06.2016.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents: Mr.K.Balasubramani – for R1

Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent/Maintenance Tribunal.

2. The petitioner questions the notice issued by the Maintenance Tribunal. The second respondent who is the mother of the petitioner had executed a settlement deed in favour of the petitioner, to cancel the same given a petition before the Tribunal.



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The Tribunal has taken cognizance of the same, had issued notice to the petitioner. To prohibit the Tribunal from proceeding with the matter, the present writ petition has been filed.

3. The learned counsel for the petitioner points out that the Hon'ble Apex Court has recently held that if no condition as envisaged under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is incorporated in the settlement deed, the Maintenance Tribunal will have no jurisdiction to cancel the same.

4. This contention is well founded. But, then, it is for the Tribunal to see, if the condition is incorporated in the settlement deed or not. Even if the relief of cancellation may be negated, the Tribunal can still consider granting maintenance relief to the senior citizen/parent. I therefore, do not want to interfere at this stage. I leave open all the rights and defence of the writ petitioner.



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5. The Writ petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

RM

To:

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G.R.SWAMINATHAN, J.

RM

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