

Shabnoor

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

WRIT PETITION NO.3637 OF 2024

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Nandkishor Shivdin Sahu & Anr ... Petitioners
V/s.
Sanjeevani Naresh Patil & Ors ... Respondents

Mr. Sangramsinh Yadav, for Petitioners.

Mr. S. L. Babar, AGP for State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : MARCH 12, 2024

P.C.:

1. Issue notice to respondent Nos.1 and 2, returnable on **23 April 2024.**

2. Prima facie, it appears that neither in the gift deed nor in the application for cancellation of gift deed before the Competent Authority or a finding is recorded by the Authority that the gift deed by the senior citizen executed in favour of the relatives/petitioners was on a condition that he will maintain the senior citizen. In absence of such recital, the pleading or finding, the Authority under the Act could not have set aside the gift deed executed in favour of the petitioners.

3. Moreover, the senior citizen is getting Rs.30,000/- by way of

pension. Hence, till next date, there shall be ad-interim relief in terms of prayer clause (c).

(AMIT BORKAR, J.)