

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10080 OF 2024.

Bank Of Baroda

...Petitioner.

Versus

State Of Maharashtra And Ors

...Respondents.

Mr. Harsh Sheth i/by MDP Legal for the Petitioner.

Ms. A. A. Nadkarni AGP for the Respondent-State.

Mr. Sarthak Solankar i/by N. K. Dayanandan for the Respondent No. 3.

Mr. A. Patil i/by AVP Partners for Respondent No. 5.

Coram : Sharmila U. Deshmukh, J.

Date : December 16, 2024.

P. C. :

1. By this Petition, the challenge is to the order dated 22nd July 2021, passed by the Respondent No. 2 under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, cancelling the gift deed executed by Respondent No. 3 in favour of Respondent No. 4.

2. Learned counsel appearing for the Petitioner-Bank would submit that the property which was gifted by Respondent No. 3 to Respondent No. 4 was mortgaged with the Petitioner-Bank as security for the financial assistance availed by the Respondent No. 5-Company and subsequently under the provisions of the Senior Citizens Act, 2007 and the gift deed has been cancelled by Respondent No. 3 without

notice to the Petitioner-Bank.

3. Issue notice to the Respondents, returnable on **20th January 2025**. In addition to Court notice, learned counsel for the Petitioner to serve the Respondents by private notice by all possible modes of service and file affidavit of service before the next date.

4. Mr. Solankar, waives notice for Respondent No. 3 and Mr. Patel waives notice for Respondent No. 5 and learned AGP waives notice for the Respondent-State.

5. Till the next date, *status quo* to be maintained in respect of the property.

[Sharmila U. Deshmukh, J.]