

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11446 OF 2024

Rekha Uttam Patil

.... Petitioner

V/s.

Sushila Vilas Patil

.... Respondent

NILAM
SANTOSH
KAMBLE

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by NILAM
SANTOSH
KAMBLE
Date: 2024.09.04
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Mr.Omkar Nagwekar, for the Petitioner.

CORAM : R.M. JOSHI, J.

DATE : 22nd AUGUST 2024

P.C:-

1. Heard.

2. Leave to amend forthwith.

3. The learned counsel for the Petitioner submits that the Tribunal under the provisions of the The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has exceeded it's the jurisdiction and without case being made out under Section 23 of the Act has cancelled registered Gift Deed executed by the Respondent in favour of the Petitioner. Tribunal would have no jurisdiction to declare any document being not binding and cancel it unless case is made out as contemplated by Section

23 of the Act. *Prima facie* arguable case is made out by the Petitioner. Hence there would be stay to the impugned order dated 22nd December 2023 till next date of the hearing.

4. Issue notice to the Respondents, returnable on 7th October 2024.

5. In addition to the usual mode of service, private service is permitted.

(R.M. JOSHI, J.)