

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10942 OF 2023.

Veersingh Vijaysingh Solanki ...Petitioner.

Versus

Shyamrao Dwarkanath Hate & Ors ...Respondents.

WITH
WRIT PETITION NO. 10944 OF 2023.

Narayansingh Veersingh Solanki ...Petitioner.

Versus

Shyamrao Dwarkanath Hate & Ors ...Respondents.

WITH
INTERIM APPLICATION NO. 10165 OF 2024
IN
WRIT PETITION NO. 10942 OF 2023.

Mehta Developers ...Applicant.

In the matter between:

Veersingh Vijaysingh Solanki ...Petitioner.

Versus

Shyamrao Dwarkanath Hate & Ors ...Respondents.

Mr. Parth Shah i/by Veera Shinde for the Petitioners.
Mr. Vachan Bodke a/w Adv. B. Doshi i/by V & M Legal for Respondent No. 1.
Ms. Savita Prabhune AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : September 23, 2024.

P. C. :

1. By the impugned Judgment dated 16th May, 2023, the Competent Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has set aside an Agreement for transfer of tenancy which was executed between the Respondent No. 1 who is a Senior Citizen, the landlord and the Petitioner who was the incoming tenant. The admitted position is that the Petitioner is not related to the Respondent No. 1 and the Agreement for transfer of Tenancy was of pure triparte agreement between the outgoing tenant and the incoming tenant and the landlord.

2. Learned Counsel appearing for the parties fairly concedes that considering the jurisdiction which is required to be exercised by the Competent Authority under the Senior Citizens Act the said Agreement for transfer of tenancy could not have been set aside by the Competent Authority.

3. In view of the above the impugned order dated 16th May, 2023, is hereby quashed and set aside.

4. The Respondent No. 1 is at liberty to adopt appropriate proceedings in an appropriate forum for challenging the agreement for

transfer of tenancy. As the impugned order dated 16th May, 2023 is quashed and set aside, the registering Authority to take appropriate steps upon an Application filed by the Petitioner to revise Index-II.

5. In view of the above, both Writ Petitions stand disposed of in the above terms.

6. Interim Applications, if any, does not survive for consideration in view of the disposal of the petitions.

[Sharmila U. Deshmukh, J.]