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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4495 OF 2025

Geeta Yeshwant Bhatt

... Petitioner

V/s.

Roopam Yeshwant Bhatt & Anr.

... Respondents

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Mr. Satyavan N. Vaishnav with Ms. Nupur J. Mukherjee
i/by M/s. N.N. Vaishnawa & Co., for the petitioner.

Mr. Amol Jayant Phoujdar for respondent Nos.1 & 2.

CORAM : AMIT BORKAR, J.

DATED : APRIL 7, 2025

PC.:

1. The petitioner, who is the mother of the respondent, has instituted the present proceedings by invoking Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act of 2007"). The petitioner asserts her claim as the absolute owner of the property in question and seeks eviction of her son, the respondent herein, inter alia on the ground that the entire consideration towards the acquisition of the property was paid exclusively by her. It is further contended that this fact stands duly acknowledged and recorded through a family arrangement entered into between the parties. Relying upon the said arrangement, the petitioner submits that the respondent has no right, title or interest in the said premises and that his

occupation is without any lawful authority.

2. It is by now well settled that under the scheme of the Act of 2007, and in particular under the provisions of the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2019 framed by various State Governments in exercise of powers under Section 32 of the Act, the Tribunal constituted under Section 7 has jurisdiction to order eviction of a son, daughter or any other person only in cases where the title of the senior citizen over the property is clear, undisputed, and the senior citizen is the exclusive owner of the property. In cases where there arises a serious dispute as to the title or ownership of the property, such complex questions of title cannot be adjudicated by the Tribunal constituted under the Act of 2007, which is summary in nature.

3. The Tribunal is not competent to adjudicate upon civil disputes requiring detailed evidence and complex adjudication of rights. The proper remedy in such cases would be to approach the competent Civil Court by instituting an appropriate suit for declaration, possession, and other consequential reliefs. Thus, unless the ownership of the senior citizen is admitted or stands undisputed, the eviction cannot be ordered under the summary jurisdiction conferred upon the Tribunal under the Act of 2007. In the present case, from the record, it is evident that there is a serious dispute between the parties concerning ownership, which would necessarily require leading of evidence and detailed adjudication.

4. In view of the aforesaid discussion and keeping all contentions raised by both sides open to be agitated before the competent Civil Court in an appropriate civil proceeding, no adjudication on merits is called for in the present writ petition. All rival contentions including the question of ownership, entitlement, and possession are expressly kept open.

5. Accordingly, the writ petition stands disposed of with the above observations. No order as to costs.

(AMIT BORKAR, J.)