



W.A(MD)No.2689 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.2689 of 2024
and
CMP(MD)Nos.18637, 18639 and 18640 of 2024**

Mrs.K.Susetha

... Appellant

vs.

1. K. Balakrishnan

2. The Revenue Divisional Officer,
Dindigul Revenue Division,
Dindigul District.

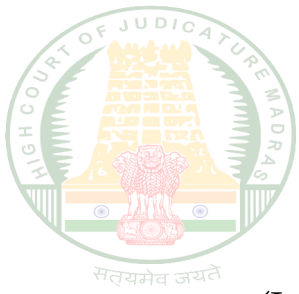
3. R.Jaya

4. Senthil Murugan

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 09.12.2022 made in W.P(MD)No.1410 of 2020.

For Appellant : Mr.G.Anto Prince
For R1 : Mr.P.Muthu Vijaya Pandian
For R2 : Mrs.D.Farjana Ghoushia
Special Government Pleader



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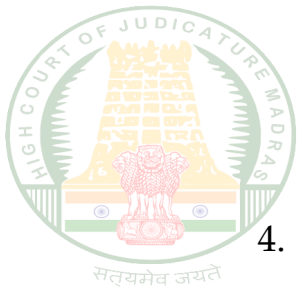
JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 09.12.2022 made in W.P(MD)No.1410 of 2020.

2. The appellant is the mother of the 1st respondent / son. She executed a settlement deed dated 11.10.2012 in favour of her son. Seeking cancellation of the said settlement deed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, she moved the Tribunal and the Tribunal by order dated 20.10.2019, accepting the case of the appellant, cancelled the settlement deed. Challenging the said order, the 1st respondent / son filed writ petition.

3. For cancelling the settlement deed, twin conditions in Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, that; (i) the transfer must have been made subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor; and (ii) the transferee refuses or fails to provide such amenities and physical needs to the transferor, have to be satisfied.



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4. The Writ Court finding that the settlement deed in question does not contain any condition, held that the order passed by the Maintenance Tribunal, cancelling the settlement deed is liable to be set aside. Apart from that, on the request of the appellant to grant maintenance, the Writ Court awarded a sum of Rs.7,000/- per month from 01.01.2023, as a joint maintenance amount payable to the appellant / mother, as well as her physically challenged son.

5. Since twin conditions in Section 23(1) of the Act, have not been satisfied, quashing of the order passed by the Maintenance Tribunal cannot be faulted. We do not find any infirmity in the order passed by the Writ Court.

6. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B, J.] [S.S.Y, J.]
24.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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J.NISHA BANU, J.
AND
S.SRIMATHY, J.

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To

The Revenue Divisional Officer,
Dindigul Revenue Division,
Dindigul District.

JUDGMENT MADE IN
W.A(MD)No.2689 of 2024
DATED : 24.02.2025