

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11603 OF 2025

1. Sakshi Rahul Hasbe
2. Rahul Vasant Hasbe

VERSUS

The State of Maharashtra And Others

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Mr. Abhishek R. Avachat, Advocate for Petitioners.

Ms. Smita Shinde a/w Adv. Parswi Deodhar for Respondent No.2.

Mr. Sanjay D. Rayrikar, AGP for the Respondent Nos.1, 3 and 4 - State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 15th APRIL, 2026

P. C. :

1. The Petitioners raise an exception to the order dated 22.07.2024 rendered by the Sub Divisional Officer, Miraj Sub Division in Application No. MG/Senior Citizen (JNA)/SR 08/2024 directing the Petitioners herein to handover the possession of the property along with the house situated on it to the Respondent No.2 within 30 days from the order, same is endorsed by the District Magistrate, Sangli - Respondent No.4 in appeal bearing No. Senior Citizen Appeal/SR-09/2024 vide order dated 24.09.2025.

2. The litigating sides are deeply interconnected, yet opposing each other. The Respondent No.2 is the mother of Petitioner No.2

and Petitioner No.1 is her daughter in law. The Respondent No.2, a senior citizen approached Respondent No.3 – Sub Divisional Officer, Miraj presenting an application under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (the ‘Senior Citizen Act’), seeking possession from the Petitioners herein in relation to the suit property.

3. The Respondent No.3 by its order dated 22.07.2024 in Application No. MG/Senior Citizen (JNA)/SR 08/2024, allowed the application and directed the Petitioners to handover the possession along with the house thereon to the Respondent No.2 within a period of 30 days from the date of order.

4. Aggrieved by the said order, the Petitioners approached Respondent No.4 – District Magistrate, Sangli presenting an appeal bearing No. Senior Citizen Appeal/SR-09/2024 same is dismissed by endorsing the order of the Respondent No.3. As such, the Petitioners are before this Court.

5. Learned counsel for the Petitioners submits that the orders under challenge are unsustainable in law. The suit property is not a self acquired property as claimed by the Respondent No.2. It is purchased by Respondent No.2 from the amount of service benefits

received after the death of her husband i.e. father of Petitioner No.2. Thus, by virtue of the succession, the Petitioner No.2 has every right in the said property. Even though the Petitioners are government employees, the authorities below have wrongly concluded that entitlement of house rent allowances, makes them liable for eviction.

6. Learned counsel for the Petitioners further submits that the order under challenge are in effect eviction orders against the Petitioners whereas, the Senior Citizen Act, nowhere prescribes the provisions for the same. Moreover, the Petitioner No.1 has initiated domestic violence proceedings, as such, the right to share household is also overlooked by the authorities. Therefore, all the allegations raised against the Petitioners are false and afterthought, and the authorities below have erroneously passed the orders under challenge.

7. In support, learned counsel for the Petitioners has placed reliance on the following Judgments.

1. **Samtola Devi Vs. State of U.P and Ors. AIR 2025 SC (CIVIL) 1442.**
2. **Sanjivani Jayesh Seernani Vs. Kavita Shyam Seernanai and Ors. In Writ Petition (L) No.28282 of 2023 dated 18.03.2024 passed by the High Court of Bombay.**

8. Learned AGP for the Respondents – State and Learned counsel for the Respondent No.2 have supported the orders under challenge and prayed to dismiss the Petition.
9. Having heard the submissions from the respective sides and upon perusal of the material on record indicates that the Respondent No.2 is a widowed senior citizen woman subsisting on the pensionary funds.
10. The statement of object and reasons of the Act indicates the purpose behind the enactment, as considered by the Hon’ble Apex Court in **S. Vanitha v. Deputy Commissioner, Bengaluru Urban District & Ors¹** is:

“Traditional norms and values of the Indian society laid stress on providing care for the elderly. However, due to withering of the joint family system, a large number of elderly are not being looked after by their family. Consequently, many older persons, particularly widowed women are now forced to spend their twilight years all alone and are exposed to emotional neglect and to lack of physical and financial support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time- consuming as well as expensive. Hence, there is a need to have simple, inexpensive and speedy provisions to claim maintenance for parents.”

¹ (2021) 15 SCC 730

11. In a beneficial piece of legislation such as the Senior Citizen Act, 2007, the focus is on the substantive reality of the senior citizen's abandonment rather than the formalistic perfection of the pleadings. This Court must ensure to fulfill the primary aim and object of the statute, which is to ensure the immediate protection and subsistence of the senior citizen.

12. It is an admitted fact that there is a civil dispute in relation to the suit property, pending before the Civil Court. While, the Petitioner No.1 has initiated proceedings under the Protection of Women from Domestic Violence Act, 2005 ("D.V. Act"). Given the conduct of the Petitioners, it appears to be an attempt to drag the senior citizen into endless litigation.

13. The record further indicates that pursuant to the order of this Court, the parties were sent for mediation at various stages. However, the same has failed to serve the purpose.

14. It is a settled position of law that the Courts must aim to create and form a balanced interpretation of law when confronted with conflict in different statutes i.e. in the instant case, Senior Citizen Act and the D. V. Act.

15. When confronted about any interim relief regarding shared household granted in favour of the Petitioner no.1, the Learned Counsel for the Petitioners has admitted that no such interim relief is granted at this stage. Thus, at present, there appears no conflict neither in the orders nor in the relevant Statutes.

16. It is an undisputed fact that both the Petitioners are government servants and have independent sources of income to support their family. Whereas, the respondent No.2 is old, widowed and infirm, who is dependent on the pension funds. Given the ongoing disputes between the husband and wife i.e. Petitioners, it is evident that the Respondent No.2 would be exposed to difficulties and unnecessary hardship. As such, it would not only be proper but compassionate for the Respondent No.2 to reside in a peaceful environment.

17. At this juncture, it is imperative to refer to the verdict of the Hon'ble Apex Court in *Urmila Dixit v. Sunil Sharan Dixit and Ors*², wherein the Court, after considering the principles laid down in **Sudesh Chikara**, delved into the nuances of Section 23 of the Act. The Apex Court reiterated that beneficial legislations, such as the

² (2025) 2 SCC 787

Act of 2007, must receive a liberal and purpose-oriented construction in consonance with social objectives. A literal interpretation that defeats the legislative intent must be avoided; instead, the Court's duty is to discern the underlying "mischief" the statute seeks to remedy, in this case, the abandonment and financial exploitation of the elderly and adopt a construction that suppresses the problem while advancing the remedy.

18. As established in *Bharat Singh v. New Delhi Tuberculosis Centre*³ and *Indian Performing Right Society Ltd. v. Sanjay Dalia*⁴, once the legislative intent is clear, the statute must receive a functional interpretation. This principle ensures that exemption clauses or technicalities do not provide a "deceptive ground" for evading statutory obligations. Whether in the context of the Consumer Protection Act, as seen in *Kozyflex Mattresses (P) Ltd. v. SBI General Insurance Co. Ltd*⁵, and the Medical Termination of Pregnancy Act in *X2 v. State (NCT of Delhi)*⁶, the judiciary has consistently held that where two views are possible, the one that favours the beneficiary of the social welfare legislation must prevail.

³ (1986) 2 SCC 614

⁴ (2015) 10 SCC 161

⁵ 2024 INSC 234

⁶ (2023) 9 SCC 433

Consequently, the provisions of the Act of 2007 cannot be interpreted in a narrow, pedantic manner that leaves a senior citizen remediless.

19. In the backdrop of the legislative history discussed, I am of the considered view that the Statement of Objects and Reasons of the Act, which defines the protective purpose of the enactment, has been restated by the Hon'ble Apex Court in *S. Vanitha (Supra)*. The preamble of the Act unequivocally declares its intent to provide a more effective and robust framework for the maintenance and welfare of parents and senior citizens, rights that are both guaranteed and recognised under the Constitution. As a beneficial piece of legislation, the Act is specifically designed to secure the dignity of senior citizens against the unique vulnerabilities and abandonment they often face in the twilight of their lives.

20. Consequently, the submission of the learned counsel for the Petitioner, that the authorities below should have stayed their hands due to the pendency of a civil suit, cannot be accepted. To hold otherwise would be to allow procedural technicalities to defeat the very "fast-track" social security net that the legislature has created and conferred upon senior citizens like the Respondent.

21. On the contrary, the Petitioner No.2, who is the son of Respondent No.2 has forsaken the responsibility of maintaining the old age mother. Considering the conduct of the Petitioners and the totality of the circumstances, the present case appears to be an abuse of process of law and seems to be an attempt by the Petitioners, particularly Petitioner No.2 to evade the filial obligation of maintaining his old aged mother. Thus, Petitioner No.2 cannot be allowed to seek refuge under the provisions of the D.V. Act or any other law to evade the obligation to maintain the aging mother.

22. In view of the peculiar facts and circumstances of the case, the reliance placed by the learned counsel for the Petitioners does not lend any support to the Petitioners' case.

23. Nevertheless, the issue of succession, partition or any other ancillary issue is a subject matter of a Civil Court and the same cannot be delved into by this Court. Consequently, the parties are at liberty to represent their interests and rights before the appropriate Court.

24. Given the peculiar facts and circumstances, the authorities relied upon by the Petitioners are inapplicable to the instant case.

25. Resultantly, no error is noted in the orders under challenge and accordingly, the Petition stands dismissed. No order as to costs.

26. In view of the dismissal of the Writ Petition, the extension of interim relief, as sought by the learned counsel for the Petitioners, does not warrant consideration. Hence, the prayer for extension of interim relief stands rejected.

[SACHIN S. DESHMUKH, J.]