

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12120 OF 2025**

Shri. Sambhaji Balkrishna Zambre,
Age: 46 Years, Occupation: Business,
Residing at C.S.No. 471 Western side,
Khanbhag, Sangli, Taluka: Miraj,
District: Sangli.

....Petitioner

VERSUS

Smt. Chhaya Balkrishna Zambre,
Age: 67 Years, Occupation: Business,
Residing at R.S.No. 23/1, Anand Vihar
Colony, Near Joshi Wadewale
Bangalow, Dwarkai Bangalow, No.4,
Hingane Khurd, Sinhagad Road, Pune.

....Respondent

Mr. Prashant Bhavake, advocate for the Petitioner
Mr. Suryajeet P. Chavan, advocate for the Respondent

**CORAM : SACHIN S. DESHMUKH, J.
DATE : 6th MAY 2026.**

JUDGMENT:

1. Heard. Rule. Rule made returnable forthwith. By consent of the parties. Petition is decided finally at admission stage.
2. The Petitioner assails the order dated 23/09/2025 rendered by the Appellate Officer, Senior Citizens Welfare Tribunal and District Magistrate Sangli in Appeal bearing No. Jeshtha Nagrik

Appeal/SR-01/2025 dismissing the appeal presented by the Petitioner and endorsing the order passed by presiding Officer, Senior Citizen Welfare Tribunal in Application bearing No. MAG/J.Na./SR/20/2022.

3. The litigating parties are deeply interconnected yet stand as two opposing sides. The Respondent is the aged mother of the Petitioner, and the dispute pertains to the estate left behind by the Petitioner's father who passed away on 02-06-2007. The subject matter involves several properties, including Revision Survey No. 159 situated in Kupwad and various City Survey numbers in Sangli, which the Petitioner claims to be a combination of ancestral and self-acquired assets. Following the demise of the father, the Petitioner's two sisters executed a registered relinquishment deed in 2013, which was followed by the Respondent-mother executing the registered relinquishment deeds in favour of the Petitioner respectively in the year 2015 and 2018.

4. Subsequently, the Petitioner transferred a portion of the suit property in favour of his wife, purportedly in compliance with a maintenance decree passed by the Family Court, Sangli, in 2020. During this period, the Respondent initiated Special Civil Suit No.

1056/2020 before the Civil Judge, Senior Division, Sangli, seeking the cancellation of the relinquishment deeds on the grounds of fraud. Simultaneously, the Respondent filed an application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the Welfare Tribunal seeking maintenance and the setting aside of the subject deeds.

5. The Welfare Tribunal allowed the Respondent's application, resulting in the cancellation of the registered relinquishment deeds and a direction to the Petitioner to pay a monthly maintenance of ₹10,000. The Petitioner challenged this decision before the Appellate Officer and District Magistrate, Sangli, after hearing litigating sides, dismissed the appeal and upheld the findings of the lower Tribunal. As such, the Petitioner is before this Court.

6. Learned counsel for the Petitioner Mr. Bhavake, submits that the impugned orders are legally unsustainable as the Senior Citizens Welfare Tribunal in absence of the jurisdiction to adjudicate upon the validity of the relinquishment deeds while Special Civil Suit No. 1056 of 2020 was already pending before a competent Civil Court for the same relief. He contends that the relinquishment deeds of 2015 and 2018 were executed voluntarily without any express

stipulation/condition of maintenance, and therefore, the summary powers under Section 23 of the 2007 Act could not have been invoked to void registered instruments. Furthermore, it is argued that the Tribunal failed to consider that a portion of the property had already been transferred to a third party, the Petitioner's wife, under a Family Court decree, and gloss cannot be created on such rights in a summary proceeding. Counsel further asserts that the Petitioner has consistently cared for the Respondent and that the direction to pay monthly maintenance of ₹10,000/- is arbitrary, excessive, and was passed without a proper inquiry into the Petitioner's financial means or the Respondent's actual requirements.

7. Learned Counsel for the Petitioner further submits that in absence of specific conditions in the gift deed for providing maintenance to the mother-transferor, the deed could not have been revoked. To buttress the same, has placed reliance upon the *Sudesh Chhikara Vs. Ramti Devi and Anr¹ and Veena Singh Vs. District Registrar/Additional Collector and anr²*.

8. Per contra, Mr. Chavan, learned counsel for the senior citizen has vehemently opposed the petition submitting that failure and

¹ 2022 SCC Online SC 1684

² (2022) 7 SCC 1

neglect on the part of the Petitioner to maintain his own natural mother, a senior citizen would dis-entitle the Petitioner to claim any relief much less the reliefs claimed in the present petition. It is further submitted that the fact finding authorities have rendered a positive finding in relation to neglect and incoherence with the object of the provisions of the Act of 2007, especially Section 23, therefore prayed for a dismissal of the petition.

9. Upon hearing the respective counsel for the litigating sides and perusing the material on record, it is necessary to record that there is no dispute regarding the fundamental facts governing the relationship. It is admitted that the Respondent is the widowed mother of the Petitioner and that, following the demise of the patriarch Balkrishna Zambre, the parties continued to reside together as a joint family unit. This familial proximity is a crucial factor, as it provided the Petitioner with the position of trust and influence necessary to facilitate the execution of the relinquishment deeds in his favour. The record clearly establishes that the Respondent, in her twilight years, was entirely dependent on the Petitioner for her emotional and physical well-being.

10. The Hon'ble Apex Court in case of *S. Vanitha v. Deputy*

*Commissioner, Bengaluru Urban District and Ors*³ has observed as under:

“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.”

11. Thus, the statute recognizes the right of parents and senior citizens for maintenance. The Tribunal can pass an order of maintenance under Section 9, whereas Section 23 which is primarily aimed to empower the Tribunal to declare the transfer made by senior citizen upon fulfillment of certain conditions. Section reads as under.

“23. Transfer of property to be void in certain circumstances

1. Where any senior citizen who, after the

³ (2021) 15 SCC 730

commencement of this Act, has by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.

2. Where any senior citizen has a right to receive maintenance out of an estate and such estate or part, thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

3. If any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of section 5.”

12. A reading of Section 23(1) of the Act of 2007 establishes that when a property is transferred by a senior citizen, whether by gift or otherwise, it is both implicitly *vis-a-vis* explicitly subject to the condition that the transferee shall provide the transferor with basic

amenities and physical needs. The statute incorporates a legal fiction that if the transferee, after obtaining the benefit of the transfer, fails to fulfill these essential obligations, the transfer is deemed to have been vitiated by fraud, coercion, or undue influence. This deeming fiction operates upon the breach while not providing maintenance. Consequently, in cases of such non-compliance by the transferee, the Tribunal is statutorily empowered to declare the transfer void at the option of the senior citizen, ensuring that property rights do not supersede the fundamental right to survival and dignity.

13. The contention raised by the learned counsel for the Petitioner, suggesting that the senior citizen has disputed the very execution of the relinquishment deeds. However, this submission is premised upon misleading and misconstruction of the pleadings.

14. A careful perusal of the Respondent's application unequivocally establishes that applicant has narrated the specific circumstances, under which the deeds were executed, rather than issuing an express denial of her signatures or the act of execution itself. Since the challenge is rooted in the circumstances of the transfer and the subsequent failure to provide maintenance, the

"deeming fiction" under Section 23 is attracted. Consequently, the Petitioner's reliance on the ***Veena Singh*** (*Supra*) judgment is misplaced, as the facts of the present case do not pertain to a dispute over the factum of execution, but rather in relation to the failure of Petitioner to maintain a senior citizen.

15. The submission of the learned counsel for the Petitioner that the filing of a substantive civil suit precludes the senior citizen from taking recourse to the provisions of Section 23 is similarly devoid of merit. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was enacted to give effect to the guarantees of social security and dignity for the elderly through a simplified, inexpensive, and expeditious mechanism. Its provisions are supplemental and operate in a distinct field, primarily the immediate protection of a senior citizen's life and property. The mere pendency of a protracted civil litigation cannot be used as a weapon/tool to deny a senior citizen the summary and remedial reliefs provided under this special statute, as doing so would frustrate the very objective of providing urgent relief to those in their twilight years.

16. 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*⁴, 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 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.

17. As held by the Hon'ble Apex Court in *Bharat Singh v. New Delhi Tuberculosis Centre*⁵ and *Indian Performing Right Society Ltd. v. Sanjay Dalia*⁶, 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. In the context of the Consumer Protection Act, as seen in *Kozyflex Mattresses (P) Ltd. v.*

4 (2025) 2 SCC 787

5 (1986) 2 SCC 614

6 (2015) 10 SCC 161

*SBI General Insurance Co. Ltd*⁷, and the **Medical Termination of Pregnancy Act in X2 v. State (NCT of Delhi)**⁸, the judiciary has consistently held that where two views are possible, the one that favours the beneficiary of the social welfare legislation must prevail. Consequently, the provisions of the Act of 2007 cannot be interpreted in a narrow, pedantic manner that leaves a senior citizen remediless.

18. 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.

19. Consequently, the submission of the learned counsel for the

⁷ 2024 INSC 234

⁸ (2023) 9 SCC 433

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 introduced, created and conferred upon senior citizens like the Respondent.

20. Adopting the same view, the verdict of the Hon'ble Apex Court in *Urmila Dixit (Supra)*, lends significant support to the findings of the authorities below. Consequently, the Petitioner's plea that the absence of a specific "maintenance clause" incorporated in the text of the relinquishment deeds or the lack of pleadings regarding the breach of such an obligation should defeat the Respondent's claim, cannot be accepted.

21. In a beneficial piece of legislation such as the Act of 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. To allow the Petitioner to rely on the silence of the deeds to evade his natural and statutory duty

would be to frustrate the very "deeming fiction" that the legislature has incorporated to prevent the exploitation of parents.

22. Similarly, the submission that the mere payment of maintenance, whether under a Family Court decree or the Tribunal's order, would absolve the Petitioner from the applicability of Section 23 is entirely without merit, as such, does not warrant consideration. The statutory obligation to provide maintenance is a distinct and continuous duty that runs parallel to the consequences of property transfers contemplated under the Act.

23. Section 23 is a statutory safeguard designed to restore the property to a senior citizen when a transfer has been misused to leave them destitute or vulnerable. Therefore, the subsequent payment of a monthly sum does not "cure" or negate the underlying breach of the condition of care that initially triggered the Tribunal's power to declare the relinquishment deeds void. To accept the Petitioner's argument would allow a transferee to strip a parent of their life's assets and then seek to "buy off" the statutory protection of the parent's property rights.

24. Regarding the challenge to the Appellate Authority's order on

the grounds that it is merely a concurring view lacking independent reasoning, a perusal of the record makes it apparent that the Appellate Authority specifically considered the execution of the relinquishment deeds and the subsequent departure on the part of the Petitioner from his duty to provide basic amenities and physical needs to his natural mother.

25. In any event, the legal position regarding concurring orders is no longer *res integra*. The Constitution Bench of the Hon'ble Apex Court in ***S.N. Mukherjee v. Union of India***⁹ has settled that an appellate or revisional authority, while affirming an order, is not required to record elaborate or separate reasons if it finds itself in agreement with the reasoning contained in the order under challenge. The requirement for detailed recording of reasons is paramount at the original stage to ensure transparency; since the Senior Citizens Welfare Tribunal's original order was exhaustive and well-reasoned, the Appellate Authority's endorsement of those findings does not suffer from any legal infirmity or lack of jurisdiction. Consequently, the Petitioner's grievance that the impugned order is "non-speaking" is flawed and legally

⁹ (AIR 1990 SC 1984)

unsustainable.

26. Insofar as the Petitioner's contention that he has subsequently transferred the subject property in favour of his wife is concerned, it is evident that any such transfer is purely derivative of the petitioner's title. Upon lawful revocation of the original gift deed under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the very basis of the petitioner's title stands divested, and consequently, any transfer effected by him would not, *prima facie*, create an indefeasible or superior right in favour of the transferee. At the same time, since the petitioner's wife is not a party to the present proceedings, this Court refrains from rendering any conclusive adjudication upon her rights, if any, and leaves it open for her to avail such remedies as may be permissible in law.

27. Resultantly, taking into account the totality of the circumstances narrated hereinabove, and specifically the conduct of the Petitioner in abdicating his fundamental obligation to provide basic amenities and physical needs to the Respondent-mother, as such, no case for interference is made out. The record demonstrates that the Petitioner, rather than fulfilling his natural and statutory

duties, as such, has chosen to drag an aged/mother, a senior citizen through protracted and multi-layered litigation, effectively depleting her resources and peace of mind in her twilight years. Such conduct further disentitles the Petitioner from seeking any relief, much less the equitable and discretionary relief under Article 227 of the Constitution of India.

28. The petition, being devoid of merit, stands dismissed. Rule is discharged.

29. Considering that the Petitioner has left no stone unturned in harassing the Respondent, age old mother and depleting her meager resources through persistent litigation in her twilight years, I am of the considered view that this is a fit case to impose exemplary costs to discourage such challenges against welfare orders. The Petitioner's attempt of layering litigation while the Respondent struggles for basic maintenance is a clear abuse of the legal process. Accordingly, the Petitioner is directed to pay costs quantified at **₹50,000/-** to the Respondent. This amount shall be deposited with the Tribunal or paid directly to the Respondent within four weeks from today, failing which the same shall be recovered as arrears of land revenue.

[SACHIN S. DESHMUKH, J.]

30. At this stage, the learned counsel for the Petitioner prays for the stay of this judgment and the continuation of the interim relief previously granted. However, considering the findings recorded hereinabove regarding the Petitioner's persistent failure to fulfill his statutory obligations and the urgent, non-negotiable need of the senior citizen for both maintenance and the restoration of her property rights, I am of the opinion that further stay would only serve to prolong the Respondent's hardship.

31. The request for continuation of interim relief, therefore, does not warrant consideration and is accordingly rejected.

[SACHIN S. DESHMUKH, J.]

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