

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.545 OF 2024

Pandurang Ravsaheb Pingat

....Petitioner

Versus

Gajrabai Hari Ahire & Ors.

....Respondents

Mr. Aditya S. Chandak, *for Petitioners.*

Shri. V.G. Badgujar, *AGP for State.*

CORAM: SOMASEKHAR

SUNDARESAN, J.

DATE : JANUARY 28, 2026

ORDER :

1. This is a Petition challenging the Judgment and Order dated March 27, 2023, passed by Respondent No.5, the Deputy Collector and Sub-Divisional Officer, Yeola, District Nashik in Je.Na.A./Arja kr.26/2022 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ("**Senior Citizens Act**") cancelling the Transfer Deed dated April 23, 2021 between the late husband of Respondent No.1, the Senior Citizen and Respondent No.2, the nephew ("**Nephew**").

2. On February 24, 2022, the Nephew and the Petitioners executed a transaction, by which the Petitioners acquired the property from the Nephew for consideration through a registered transfer deed with mutation entry also being updated to reflect the ownership of the Petitioners.

3. An application under the Senior Citizens Act was made on March 8, 2022 by Respondent No.1. The Petitioners were also made party, but the Petitioners did not participate in the proceedings on the premise that the Maintenance Tribunal did not have jurisdiction to hear issues relating to a subsequent transfer.

4. Be that as it may, the Impugned Order came to be passed cancelling both the aforesaid deeds, thereby disturbing the Petitioner's title. *Prima facie*, it is apparent that the first deed, by which the Nephew acquired the property, did not contain a provision for maintenance of the Senior Citizen. In parallel, regular Civil Suit RCS No.46 of 2022 had also been filed by Respondent No.1 and her late husband and the same is still pending. Even while, the suit is pending, the Impugned Order came to be passed.

5. Learned Single Judge of this Court granted ad-interim relief, taking note of the fact that the original transfer deed contained no consideration in the form of commitment to maintain the Senior

Citizen and likewise, no contemporaneous material to indicate such a condition was found in the record.

6. Today, Learned Counsel for the Petitioners submits that Respondent No.1 has also passed away on February 10, 2024, which is seen from the office remarks in the matter. Respondent No.2 has chosen not to appear. To enable Respondent No. 2 to present his say and explain the position on legal representatives, if any, stand over to ***February 9, 2026.***

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]