

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 545 OF 2024

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ASHOK
JADHAV

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Pandurang Ravsaheb Pingat

...Petitioner

Versus

Gojrabai Hari Ahire And Ors.

...Respondents

Adv. Chandak Aditya *a/w Adv. Manali J. Deore, for the
Petitioner.*

Adv. Aman Kazi, *for the Respondent No.2.*

Mr. V. G. Badgujar, *A.G.P., for Respondent-State.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 9, 2026

ORDER :

1. As a threshold, the Learned Advocate for the Petitioner seeks to correct a suggestion made on January 28, 2026, which led to the facts recorded in paragraph 4 of the order passed on that date. He submits that the Regular Civil Suit bearing RCS No. 46 of 2022 was finally numbered as RCS No. 21 of 2022, and the suit came to be dismissed for non-prosecution, and therefore it may not be accurate to have contended that the Impugned Order was passed while the suit was pending. The correction submitted by the Petitioner is taken on record.

2. That apart, on the last occasion, it was recorded that the Learned Single Judge of this Court had granted interim relief on the premise that the original transfer deed contained no consideration in the form of a commitment to maintain the senior citizen, and that no contemporaneous material to indicate such commitment was found from the record.

3. Learned Advocate for the Petitioner had submitted that the Respondent No. 1, whose late husband had transferred the subject property to their nephew, who had, in turn, transferred the property to the Petitioner, had also passed away.

4. Today, the Learned Advocate for the Respondent No. 2 has entered appearance and tenders an Affidavit supporting the Petitioner which is taken on record. Perusal of the Affidavit will indicate that on February 24, 2022, Respondent No. 2 had sold the subject property to the Petitioner, a third party to the Respondents. The Respondent No. 2, who is the nephew of Respondent No. 1, has evidently transferred the subject property on April 23, 2021, by an instrument, which did not contain any collateral consideration for maintenance of the senior citizen.

5. I have also examined the pleadings in the suit referred to above, where it has been explicitly stated on oath that late Respondent No. 1 and her late husband do not have any offspring.

6. The title of the Petitioner to the property, which he has validly acquired from Respondent No. 2, would remain undisturbed by the passing of the Impugned Order.

7. The said Regular Civil Suit has also evidently been dismissed for want of prosecution. However, the contents were examined to assure the Court that there is no offspring for the late Respondent No. 1, who could have had an interest in the Impugned Order with the cancellation of the transfer in favour of the review who had, in turn, transferred it to the Petitioner.

8. In these circumstances, the Impugned Order that was passed has been overtaken, and evidently a valid transfer of the subject property to a third party is discernible from the record. Bearing the objectives of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in mind, it would be appropriate, at this stage, having regard to the specific documents brought on record as evidence of a clean and valid title having been acquired by the Petitioner, and taking into account that no interest would be affected by securing the title of

the Petitioner from the implications of the Impugned Order, in exercise of the extraordinary writ jurisdiction, the Impugned Order is quashed and set aside, and the Petition ***is disposed*** of in the aforesaid terms.

9. 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.]