



2026:CGHC:5894-DB

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## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WA No. 103 of 2026

**1** - Ramkrishna Pandey S/o Late Shivprasad Pandey Aged About 57 Years R/o B-19 Kanchan Vihar, Koni, Bilaspur Chhattisgarh

**2** - Smt. Shakuntala Mishra W/o Ashutosh Mishra Aged About 40 Years R/o B-19 Kanchan Vihar, Koni, Bilaspur Chhattisgarh

--- **Appellants**

### **versus**

**1** - State of Chhattisgarh Through Collector, Collectorate - Bilaspur, Nehru Nagar, Bilaspur Chhattisgarh

**2** - Sureshmani Tiwari S/o Late Jagdish Prasad Tiwari Aged About 83 Years R/o B-19 Kanchan Vihar, Koni, Presently R/o Suwani Prashamak Dekhbhal Grah, Samaj Kalyan Vibhag, Jirapara Sarkanda, Tehsil - Bilaspur Chhattisgarh

**3** - Smt. Lata Tiwari W/o Sureshmani Tiwari Aged About 80 Years R/o B-19 Kanchan Vihar, Koni, Presently R/o Suwani Prashamak Dekhbhal Grah, Samaj Kalyan Vibhag, Jirapara Sarkanda, Tehsil - Bilaspur Chhattisgarh

--- **Respondents**

For Appellants : Mr. Rajeev Shrivastava, Senior Advocate assisted by Mr. Akshat Tiwari and Ms. Sakshi Dewangan, Advocates

For Respondent No.1/ : Mr. Priyanik Rathi, Govt. Advocate State

For Respondent Nos. 2 : Mr. Vikrant Pillay, Advocate & 3

**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**JUDGMENT ON BOARD**

**Per Ramesh Sinha, Chief Justice**

**03.02.2026**

1. Heard Mr. Rajeev Shrivastava, learned Senior Advocate assisted by Mr. Mr. Akshat Tiwari and Ms. Sakshi Dewangan, learned counsel for the appellants. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/ respondent No.1 and Mr. Vikrant Pillay, learned counsel, appearing for respondent Nos. 2 & 3.
2. By way of present writ appeal under Section 2 of Sub-Section (1) of the Chhattisgarh High Court (Appeal to Division Bench Act, 2006, the appellants, who were petitioners in the writ petition have challenged the order dated 20.01.2026 passed by learned Single Judge in WPC No. 87 of 2025 (***Ramkishna Pandey & Another Vs. State of Chhattisgarh & Others***), by which the writ petition filed by the writ petitioners/ appellants herein has been dismissed by the learned Single Judge.
3. Brief facts, necessary for disposal of this appeal, are that that the respondents No. 2 and 3 filed an application under Sections 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter ‘the Act, 2007’) before the Maintenance Tribunal - SDO(R) mainly contending that :-
  - (a) Petitioner No. 1 is the nephew of respondent No. 2, and petitioner No. 2 is the daughter of respondents No. 2 and 3.

Respondents No. 2 out of love and affection for petitioner No. 1, executed a gift deed in his favour in respect of the land bearing Khasra No. 200/3, admeasuring 1250 sq. ft., situated at Village Koni, Kanchan Vihar, Bilaspur, on which a house has been constructed over 625 sq. ft. at the ground floor and 223 sq. ft. on the first floor (hereinafter referred to as 'the disputed property'). The respondents had no son and only three daughters, and petitioner No. 1 being the only male member of the family and having taken care of them to their satisfaction, the gift deed was executed on 28.04.2016 in his favour.

(b) It was further the case of respondents No. 2 and 3 that petitioner No.1 had assured them that he would take care of them throughout their life. Respondent No. 2 being a retired employee and having no other shelter, continued to reside in the said property even after execution of the gift deed. Subsequently, petitioner No. 2, despite being married, left her matrimonial home and started residing in the said house along with petitioner No. 1, thereafter both the respondents were subjected to harassment and torture by the petitioners.

(c) It was also the case of respondents No. 2 and 3 that by alluring them, petitioner No. 1 has taken ATM of respondent No. 2 and withdrawn around Rs. 30 lakhs from the pension and GPF amount of deceased daughter of respondent No. 2, which on coming to their knowledge, they got the ATM blocked from the bank.

(d) It has been contended by respondents No. 2 and 3 that the petitioners have not only cheated them but also committed cruelty by threatening them to kill, and have also threatened them to forcibly evict from the house by throwing out their belongings. In this regard, a complaint was lodged at Police Station Koni on 29/04/2023, and reports were also submitted against petitioner No.1 to the Collector and the Superintendent of Police, Bilaspur for commission of offence under Sections 342, 420, 406, 424, 294, and 506 of the Indian Penal Code. However, since no action was taken, his audacity has increased, and he has again started harassing them, even troubling them for basic necessities like food and water. It has been further contended that the respondents No.1 and 2 are octogenarian aged about 82 and 80 years respectively, and in March 2023, the petitioners forcibly compelled them to reside on the first floor. The room on the ground floor was locked, in which their household articles and valuable gold and silver jewellery worth approximately ₹5,00,000/- (Rupees Five Lakhs) were kept with an intention to illegally grab them. Due to forcibly live on the first floor, the respondents No.2 and 3 are facing great difficulty in climbing up and down the stairs.

(e) It has been further contended by respondents No. 2 and 3 that contrary to the terms and object of the gift deed dated 29/04/2016, petitioners No. 01 and 02 are not providing due care or maintenance to the respondents No. 2 and 3. It was also the

case of the respondents No. 2 and 3 that after the Gift Deed dated 29/04/2016, sole possession of the disputed property was not handed over to petitioner No. 01. He was only permitted to reside with them for the reason that, as per the conditions of the gift deed, the petitioner No.1 would take care and look after them and only after the death of the respondents No.2 and 3, he will acquire ownership and possession over the disputed property. Since the conditions and object of the gift deed dated 29/04/2016 have not been complied with, the said gift deed is liable to be cancelled.

(f) It was also the case of the respondents No. 2 and 3 that petitioner No. 1 got disconnected the electricity connection of the first-floor of residence, later, after a quarrel and on police instructions, the electricity connection was restored. Subsequently, the landline telephone was smashed and damaged, and the latrine, bathroom, and kitchen have been locked. At the instigation of petitioner No.1, petitioner No.2 abused respondent No.2 hurling filthy abuses, pulled her hair, slapped her on the cheek and ear, causing severe pain in the ear, and also beat her on the back with fists and even vegetable vendors and medicine suppliers were not allowed to enter, and even auto-rickshaw drivers are driven away. The respondents No.2 and 3 themselves are not allowed to go out of the house. In this manner, they are being harassed in various ways. Therefore, they would pray for cancellation of the Gift Deed dated

29/04/2016 and the house be restored to them and the petitioners No.1 and 2 be directed to vacate the disputed house.

4. The petitioners filed a reply to the said application denying the allegations and contending that respondent No. 2 does not possess good character and had attempted to outrage the modesty of his daughter. It was further contended that apart from the disputed property, respondent No. 2 owns land at Salkhan, Tahsil Shivrinarayan, District Janjgir-Champa, as well as lands situated at Village Dhigbas, Tahsil Kunda, and Village Ramnagar, Kajipur, District Pratapgarh, Uttar Pradesh, and therefore has sufficient property and means for their livelihood. It was also asserted that the gift deed does not contain any stipulation regarding maintenance or care of respondents No. 2 and 3 in future, and hence the same cannot be cancelled by invoking Section 23 of the Act, 2007. On these grounds, sought dismissal of the application.
5. The order-sheets annexed by the petitioners reveal that vide order dated 21.03.2024, the petitioners were directed to restore electricity supply in the house and the Tahsildar, Bilaspur was directed to submit an inspection report. Thereafter, by interim order dated 30.05.2024, the petitioners were directed to open the doors of the room on the first floor and ensure supply of electricity, water, food, and medicines to respondents No.2 and 3. Subsequently, vide final order dated 12.09.2024, the learned Maintenance Tribunal allowed the application, declared the Gift

Deed dated 28.04.2016 null and void, and directed the petitioners to vacate the house.

6. Aggrieved thereby, the petitioners preferred a first appeal before the Collector, Bilaspur, reiterating the averments made in their reply contending that the learned Tribunal failed to consider the provisions of Section 23 of the Act, 2007 in its proper perspective, as there was no stipulation in the gift deed obligating petitioner No.1 to maintain respondents No. 2 and 3. It was further contended that the allegations levelled by respondents No. 2 and 3 were false, even the Tahsildar was not present on the date of hearing, rendering the order dated 12.09.2024 illegal. It was also asserted that respondents No. 2 and 3 owned properties other than the property in dispute. On these grounds, it was contended that the order dated 12.09.2024 suffered from illegality and perversity and was liable to be set aside.
7. The learned Appellate Tribunal, upon reappreciation of the evidence and materials available on record, dismissed the appeal and recorded a categorical finding that the gift deed was executed by respondents No. 2 and 3 looking to the conduct of the petitioner No.1 of taking care of them with faith, devotion, and dedication and also love and affection shown by him, with an expectation that such conduct would continue in future. The Appellate Tribunal further held that petitioner No. 1 had subsequently failed to provide such care, thereby justifying cancellation of the gift deed. It was also recorded that during

inspection conducted by the members of the Appellate Tribunal, the electricity supply to the house was found disconnected. In view thereof, the learned Appellate Tribunal found the conclusions arrived at by the Maintenance Tribunal to be correct and as such, affirmed the same.

8. Aggrieved by the impugned orders passed by the learned Appellate Tribunal as well as the Maintenance Tribunal, petitioners No. 1 and 2 have filed the a writ petition before learned Single Judge of this Court being WPC No. 87 of 2025, contending, *inter alia*, that the gift deed was executed voluntarily, without any coercion or undue influence, and does not contain any condition obligating petitioner No. 1 to maintain respondents No. 2 and 3 in future. It has also been contended that the gift deed is unconditional and, in terms of Section 126 of the Transfer of Property Act, 1882, a gift can be revoked only if it is conditional. In the absence of any such express condition in the gift deed, the same is irrevocable. On these grounds, they prayed for setting aside of the impugned order.
9. Respondents No. 2 and 3 have filed their reply contending that the order passed by the Appellate Authority is just, proper, and in consonance with the principles of natural justice and the statutory schemes of law and have been passed after due consideration of the materials available on record, as such, the impugned order neither suffers from perversity nor any illegality warranting interference by this Court. It was further contended that the

existence of a condition for maintenance need not necessarily be reflected by an express recital or covenant in the gift deed itself. In support of the said contention, reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Sudesh Chhikara v. Ramti Devi and Another*, 2022 SCC OnLine C 1684. It has also been contended that during the pendency of proceedings before the Maintenance Tribunal, the petitioners forcibly ousted respondents No. 2 and 3 from the house in question on 26.02.2024, and since then they were residing in an old-age home at Jorapara Sarkanda, Bilaspur.

10. The petitioners filed a rejoinder reiterating their stand that in absence of any condition in the gift deed obligating petitioner No.1 to maintain respondents No. 2 and 3 in future, the provisions of Section 23(1) of the Act, 2007 are not attracted. In support of their submission, reliance has been placed upon the judgment of Division Bench of this Court in *Rita Roy v. Maintenance Tribunal and Sub-Divisional Officer (R) and Others*, 2022 SCC OnLine Chh 1470. It has been further contended that the allegations of non-maintenance are retaliatory. According to the petitioners, the dispute arose when respondent No. 2 allegedly attempted to unilaterally sell the property belonging to the mother of petitioner No. 1, namely Smt. Shanti Devi, without her consent. The said property was inherited by her mother upon demise of his grandfather, Jagdish Prasad Pandey, and respondent No. 2 is alleged to have fraudulently sold the same. In

respect thereof, petitioner No. 1 has initiated criminal proceedings under Section 156(3) of the Cr.P.C. before the Judicial Magistrate First Class, Pamgarh. On these grounds, it was contended that the application under Section 23 of the Act, 2007 is vitiated by malafides, and prayed for setting aside of the impugned orders.

11. The learned Single Judge after hearing learned counsel for the parties and on the basis of materials available on record and further relying upon the judicial precedents dismissed the said writ petition vide impugned order dated 20.01.2026 holding that the petitioners were unable to point out any perversity or illegality in the impugned orders or proceedings warranting interference by the said Court. Being aggrieved by the same, the instant appeal has been filed by the writ petitioners / appellants herein.
12. Mr. Rajeev Srivastava, learned Senior Advocate, appearing for the appellants vehemently argued that the impugned orders are *ex facie* illegal and without jurisdiction. The learned Single Bench failed to appreciate that Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 can be invoked only when a senior citizen is unable to maintain himself from his own earnings or property. In the present case, respondent No.2 is a retired employee receiving pension and owning other properties, while respondent No. 3 receives pension of her deceased daughter. Both are financially independent. He further argued that proceedings under Section 5 lie only against "relatives" as defined under Section 2(g) of the Act. Appellant

No.1 does not fall within the said definition, particularly when the respondents are not childless and Rule 2(1)(g) of the Chhattisgarh Rules, 2007 expressly excludes a maternal nephew. Liability, if any, could not have been fastened solely upon Appellant No. 2 when another daughter admittedly exists but was not impleaded.

13. Mr. Shrivastava further submitted that the assumption of jurisdiction under Section 23(1) of the Act is wholly misconceived. Section 23 can be invoked only where a transfer of property is expressly conditional upon the donee providing maintenance and such condition is breached. The registered Gift Deed dated 29.04.2016 is absolute, unconditional and silent on any obligation of maintenance. Mere allegations of non-maintenance cannot justify cancellation of a gift. This settled position has been authoritatively laid down by the Hon'ble Supreme Court in ***Sudesh Chhikara v. Ramti Devi (2022 SCC OnLine SC 1684)***, which the learned Single Bench failed to apply, rendering the impugned orders perverse and contrary to law. He also submitted that the proceedings before the Maintenance Tribunal are vitiated by complete absence of inquiry, in violation of Sections 8 and 23 of the Act. Allegations regarding denial of basic amenities such as water and electricity were found incorrect upon spot inspection, yet no report was considered and no oral or documentary evidence was recorded. The matter was decided mechanically without

establishing the statutory preconditions. Additionally, the Tribunal itself was improperly constituted, as proceedings were conducted solely by the Sub-Divisional Officer in violation of Section 7, thereby rendering the entire process without authority of law. He contended that the application under the Act is a mala fide and colorable exercise, aimed at regaining control over property lawfully gifted to Appellant No. 1 and duly recognised by civil courts and revenue records. The respondents voluntarily shifted to an old-age home, continue to retain access to the premises, and allegations of harassment and fraud stand disproved by police enquiry reports, which were arbitrarily ignored. In these circumstances, the impugned orders deserve to be quashed and set aside.

14. On the other hand, Mr. Priyank Rathi, learned Government Advocate, appearing for State/ respondent No.1 opposed the submissions made by the learned counsel for the appellants and submitted that the learned Single Judge after considering all the aspects of the matter has rightly dismissed the writ petition filed by the writ petitioners / appellants herein, in which no interference is called for.
15. Mr. Vikrant Pillay, learned counsel, appearing for respondent Nos. 2 & 3 submitted that the impugned orders call for no interference as they are lawful, just and in furtherance of the salutary object of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which is a piece of beneficial legislation enacted to protect

senior citizens from neglect, abandonment and economic exploitation. The Act must receive a purposive and liberal interpretation, and technical objections raised by the Appellants cannot defeat the substantive rights of aged parents who have been subjected to neglect and deprivation of basic amenities. He further argued that the plea that respondent Nos. 2 and 3 are financially independent is misconceived. Mere receipt of pension does not absolve children or relatives from their statutory obligation to maintain senior citizens when they are subjected to neglect, harassment or denial of basic amenities. The record demonstrates that respondent Nos.2 and 3 were compelled to leave their own residence and shift to an old-age home due to the hostile and oppressive conduct of the Appellants. Such forced displacement itself constitutes neglect under the Act and attracts the protective jurisdiction of the Maintenance Tribunal.

16. Mr. Pillay further submitted that the invocation of Section 23(1) is fully justified. The gift of the residential property in favour of Appellant No.1 was made in the backdrop of trust, familial relationship and legitimate expectation that the Appellants would continue to provide care, residence and basic amenities to the donors. The obligation to maintain need not always be reduced to a written clause in the gift deed; it can be implied from the surrounding circumstances, conduct of parties and the very nature of the transaction. The subsequent denial of peaceful residence and dignified living constitutes breach of the conditions

implicit in the transfer, warranting annulment under Section 23. In support of his submissions, he places reliance upon the judgments of the Hon'ble Supreme Court in ***Urmila Dixit v. Sunil Sharang Dixit and Others*** {2025 INSC 20} and ***Ajay Singh v. Khacheru and Ors.***, (2025) 3 SCC 266, as well as the decision of the High Court of Karnataka in Sri K. Lokesh v. The Bangalore District Maintenance and Welfare of Parents and Senior Citizens and Others {WA No. 254 of 2024}.

17. Mr. Pillay further contended that the allegations regarding lack of inquiry or improper constitution of the Tribunal are hyper-technical and meritless. The Tribunal followed the procedure contemplated under the Act, afforded opportunity of hearing to all parties and arrived at findings based on material on record. The Appellants are seeking to convert welfare proceedings into a civil trial, which is impermissible. The concurrent findings of fact recorded by the Tribunal and affirmed by the learned Single Bench suffer from no perversity or illegality and, therefore, do not warrant interference. The appeal deserves dismissal with costs.
18. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
19. From a bare perusal of Section 7 of the Act, 2007, it is manifest that the Maintenance Tribunal is required to be presided over by an officer not below the rank of Sub-Divisional Officer of the State. A perusal of the order dated 12.09.2024 clearly

demonstrates that the Tribunal was presided over by the Sub-Divisional Officer (Revenue) along with four other members. As such, the composition of the Tribunal is in accordance with the Act. Further, in exercise of powers under Section 32(b) of the Act, 2007, the State Government has framed rules governing the constitution and functioning of the Maintenance Tribunal. Therefore, the contention raised by the appellants regarding improper composition of the Tribunal is misconceived and deserves to be rejected.

20. The Act, 2007 is a beneficial legislation enacted to ensure protection, maintenance and dignified living of senior citizens and, therefore, deserves a purposive and liberal interpretation. As held by the Hon'ble Supreme Court in ***Urmila Dixit*** (supra) and ***Ajay Singh*** (supra), mere receipt of pension or ownership of some property does not disentitle a senior citizen from invoking the jurisdiction of the Maintenance Tribunal when the factual matrix discloses neglect, harassment or denial of basic amenities. The record in the present case clearly establishes that respondents Nos. 2 and 3 were subjected to such neglect and were compelled to leave their own house and reside in an old-age home, thereby justifying initiation of proceedings under the Act, 2007.
21. The submission that Section 23(1) of the Act, 2007 can be invoked only when the gift deed contains an express written condition of maintenance is untenable in view of the law laid

down by the Hon'ble Supreme Court in ***Sudesh Chhikara*** (supra). The Supreme Court has clarified that the obligation to maintain a senior citizen need not always be incorporated as an express recital in the gift deed and can be inferred from the surrounding circumstances, the relationship between the parties and the purpose of the transfer. In the present case, the concurrent findings record that the gift was executed out of love and affection and with a legitimate expectation that appellant No.1 would continue to take care of the donors. The subsequent conduct of the appellants in denying residence and basic amenities constitutes breach of such obligation, warranting annulment of the gift deed under Section 23(1) of the Act.

22. The challenge to the proceedings on the ground of lack of inquiry or improper constitution of the Tribunal is equally without merit. As observed in ***Ajay Singh*** (supra) and affirmed by the High Court of Karnataka in ***Sri K. Lokesh*** (supra), proceedings under the Act, 2007 are summary in nature and are not required to be conducted as a full-fledged civil trial. The record demonstrates that interim directions were issued, inspections were conducted, opportunities of hearing were afforded to the parties and findings were recorded on the basis of material available. No violation of the statutory procedure or principles of natural justice has been established. The concurrent findings of fact recorded by the Maintenance Tribunal and affirmed by the Appellate Tribunal are based on evidence and suffer from no perversity or illegality.

23. The learned Single Judge, while exercising jurisdiction under Article 226 of the Constitution of India, has rightly declined to interfere with the well-reasoned and concurrent findings recorded by the authorities below. It is settled law that writ and appellate courts ought not to reappreciate evidence or disturb concurrent findings of fact unless they are shown to be perverse, arbitrary or without jurisdiction, which is not the case here.
24. In view of the foregoing discussion, and applying the principles laid down by the Hon'ble Supreme Court in ***Sudesh Chhikara*** (supra), ***Urmila Dixit*** (supra), and ***Ajay Singh*** (supra), this Court is of the considered opinion that the impugned orders passed by the Maintenance Tribunal and the Appellate Tribunal, as affirmed by the learned Single Judge, are lawful, reasoned and in complete consonance with the object and scheme of the Act, 2007. No perversity, illegality or jurisdictional error has been demonstrated warranting interference by this Court.
25. Accordingly, the appeal fails and is hereby **dismissed**. The impugned judgment and orders are affirmed. The interim order stands vacated.
26. There shall be no order as to costs.

Sd/-  
**(Ravindra Kumar Agrawal)**  
**Judge**

Sd/-  
**(Ramesh Sinha)**  
**Chief Justice**

**Head-Note**

A gift deed executed by Senior Citizens in favour of a relative can be annulled under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, even in the absence of an express maintenance clause, where the surrounding circumstances and subsequent conduct establish an implied obligation of care that is breached, and concurrent factual findings of neglect warrant no interference in writ or appellate jurisdiction.