



OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE
(SOUTH-EAST)

TRIBUNAL OF MAINTENANCE OF PARENTS & SENIOR CITIZEN,
GOVT. OF NCT OF DELHI, M.B. ROAD, SAKET, NEW DELHI-68



No.08./ADM (SE)/Sr.Citizen/2013/ 338-54)

Date: 18/11/13

In the matter of:

Smt. Mam Kaur,
R/o GC 27, 28 Pul Pehladpur,
New Delhi-110044

.....Petitioner

Versus

1. Smt. Rajeshwari, R/o H.No.A-2/211, Janakpuri, Opp. Chanan Devi Hospital, New Delhi.
2. Smt Raj Bala, R/o H. No.C-2/30, DDA Flats, East of Kailash, New Delhi-65.
3. Sh. Rajiv Thakur, RZ-82/10, First Flr., Tughlakabad Extn. New Delhi-110019

.....Respondents

ORDER

This order shall dispose of an application filed by Smt. Mam Kaur Under Section 22 (2) of maintenance and Welfare of Parents and Senior Citizen Act-2007, seeking the relief of cancellation of the sale deed of Property bearing No. 204/29, Prakash Mohalla, Garhi, East of Kailash, New Delhi-110065, fraudulently done by her two daughters Smt. Raj Bala & Smt. Rajeshwari.

Notices were issued to both the parties and the parties appeared before the Tribunal. Several hearings were held. The respondents also filed their written arguments.

The brief facts of the case are that the applicant Smt. Mam Kaur is 86 years old and uneducated widow lady. She has four children namely Sh. Raj Kapoor, Smt. Raj Bala, Smt. Rajeshwari and Sh. Rajiv Thakur. The two daughters of the applicant who have taken away the said property fraudulently by a sale deed dated 09/01/2002. Now, both the daughters plead that their mother on the direction of her husband has transferred the property in their name. They also concealed the fact that their father

Amy Khanna

SA

[Signature]

(husband of Mam Kaur) also purchased one plot at Pul Pehlad Pur in the name of the wife of Raj Kapoor (eldest son). The younger son Sh. Rajiv Thakur only resides in the first floor of the Tughalkabad Extn. house, which is in the name of his mother (Mam Kaur). He also plead for his share as his mother has already given share to all her two daughters and one son.

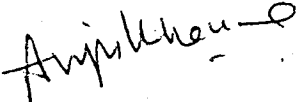
After considering all the facts of the case Tribunal decided that the cancellation of the sale deed of the property does not come under the power of the Tribunal as it is done before 2007.

The main objective of the Tribunal is to provide maintenance allowance from the biological children as well as from any other person who will inherit the property of the senior citizen.

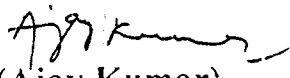
As later on the applicant prayed for the maintenance allowance, Tribunal ordered the two daughters who have already taken the share from the property, will pay Rs.2500/- per month each. They will deposit in the bank account of the applicant by 10th of every month. The elder son Sh. Raj Kapoor agreed to take the full care of his mother. All three children gave in writing for this, which kept for the record. The younger son, Sh. Rajiv Thakur, who is only residing in the property of his mother also, do not have any fixed income. Seeing all these facts, Tribunal decided that as he is one of the biological son and in future, he will get his share from his mother's remaining property. He liable to pay Rs.500/- per month towards the maintenance of his mother.

With this settlement the case is closed.

It is ordered accordingly. Copy of the order be sent to both the parties.


(Anju Khana)
Member


(Jayanti Hota)
Member


(Ajay Kumar)
Presiding Officer/
ADM(South-East)

Copy to:

1. Smt. Mam Kaur, R/o GC 27, 28 Pul Pehladpur, New Delhi-110044
2. Smt. Rajeshwari, R/o H.No.A-2/211, Janakpuri, Opp. Chanan Devi Hospital, New Delhi.
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