

W.P. No. 36458 of 2023

**W.P. No. 36458 of 2023  
and**

**W.M.P. Nos. 36469 and 36470 of 2023**

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**P.D. AUDIKESAVALU, J.**

Mr. S.J.Mohamed Sathik, Learned Government Advocate takes notice for the First and Second Respondents.

2. Notice to the Third Respondent returnable by 21.02.2024. Private notice is also permitted.

3. The Writ Petition challenges that the Order in Na.Ka.No.A1/2202/2023 dated 22.11.2023 passed by the First Respondent holding that the transfer of the property made by the Third Respondent in favour of the Petitioner by execution of settlement deed dated 14.07.2022 in the exercise of powers under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is void. It is the contention of the Learned Counsel for the Petitioner citing the ruling of the Hon'ble Supreme Court of India in ***Sudesh Chhikara -vs- Ramti Devi*** (Order dated 06.12.2022 in Civil Appeal No. 174 of 2021) that such order cannot be passed in the absence of a specific clause in the instrument of transfer that the beneficiary shall provide basic amenities and basic needs to



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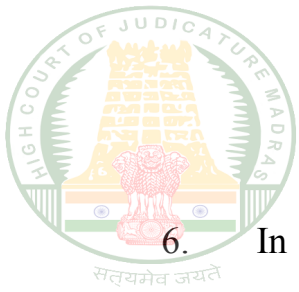
the senior citizen, which he has refused or failed to carry out. At the same time,

it is represented that the Petitioner would pay a sum of Rs. 5,000/-

(Rupees Five Thousand only) every month to the Third Respondent in addition to the sum of Rs. 15,000/- every month said to be already paid by him, totalling to Rs. 20,000/- every month towards maintenance of the Third Respondent, and Learned Counsel for the Petitioner has made an endorsement to that effect in the court record.

4. In such circumstances, neither the Petitioner nor the Third Respondent shall alienate or create any form of encumbrance in respect of the said property without prior permission of this Court until further orders. In the event of default in payment of the said sum of Rs. 20,000/- each month before the last day of that month by the Petitioner to the Third Respondent, the said interim order granted shall stand automatically vacated with effect from the following month.

5. Having regard to the fact that the controversy relates to disputes between family members, it is represented that an effort could be made to amicably resolve the same through mediation at Chengalpattu, where the contesting parties are residing presently.



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6. In view of the same, Registry is directed to send photocopies of the

relevant papers in this regard to the Mediation and Conciliation Centre attached to this Court immediately. The parties along with their respective Counsel shall appear before the Mediation Centre at 11.00 a.m. on 31.01.2024 and on the subsequent dates to which it is adjourned. If required, the Mediator may include any other incidental or connected disputes between the parties to be taken up for consideration and may also invite other family members of the parties for such purpose. In the event that the Senior Citizen expresses any difficulty in travel, the Mediator may consider to have the sittings at any other place convenient to the parties under written agreement. It shall be ensured that there is day-to-day sittings showing progress of the case and the report of its outcome shall be sent by 19.02.2024 to the Court.

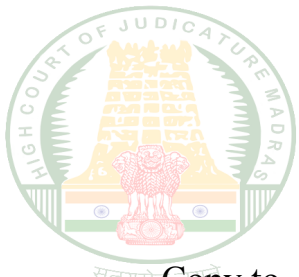
Post the matter on 21.02.2024.

08.01.2024

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**Note: (i) Issue order copy by 23.01.2024.**

**(ii) Registry is directed to send the copies of the relevant papers to the Mediation Centre attached to this Court immediately along with the copy of this order.**

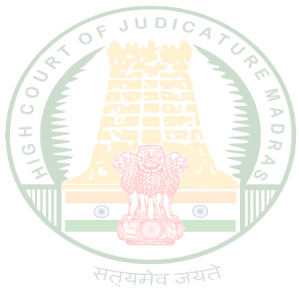


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1. The Director,  
Tamil Nadu Mediation and Conciliation Centre,  
Madras High Court Campus,  
Chennai – 600 104.
2. L.Magesh,  
S/o. C.Logu,  
Perumal Kovil Street,  
No. 2/285, Venbadu Village,  
Thiruporur Taluk,  
Chengalpattu District.
3. C.Logu,  
S/o. Chitirai,  
Perumal Kovil Street,  
No. 2/285, Venbadu Village,  
Thiruporur Taluk,  
Chengalpattu District.



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**P.D. AUDIKESAVALU, J.**

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**08.01.2024**