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## CASE COMMENTARY ON URMILA DIXIT VS. SUNIL SHARAN DIXIT AND ORS. [2025 INSC 20]

*Ashish Kansal<sup>1</sup>*

### INTRODUCTION

This judgment is one of the landmark judgments delivered by the Hon'ble Supreme Court of India. This case revolves around Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter 'the Act'), which deals with "Transfer of property to be void in certain circumstances". Basically, the Apex Court held that senior citizens have the right to take back their transferred property if they are not maintained, for their term of life, by the transferee. Therefore, in the present case, the appellant is the mother of the respondent who had been restored with the property which was primarily transferred to the respondent by the appellant.

### FACTS OF THE CASE

- The present Appellant, is the mother of the Respondent (son), purchased the concerned property on 23.01.1968. Later on 07.09.2019, the Appellant transferred the property by executing a Gift Deed in favour of the Respondent. The deed stated that **the donee (Respondent) should maintain the donor** and make provision for everything. Simultaneously, a promissory note was executed by the Respondent which stated that he would **take care of the Appellant till the end of her life and if he does not do so, the Appellant would be at liberty to take back the Gift deed.** However, the Respondent alleged the promissory note to be fabricated.
- Thereafter, on 24.12.2020, the Appellant filed an application under Sections 22 and 23 of the Act before the Sub-Divisional Magistrate, Chhatarpur. She alleged that she and her husband were attacked by the Respondent for the sake of further transfer of

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<sup>1</sup> BALLB Final Year Student of Bharat College of Law, Affiliated to Kurukshetra University, Kurukshetra.

property. The SDM allowed the application and declared the Gift Deed to be null and void. The appeal against this order, which was preferred by the Respondents, was dismissed vide order dated 25.04.2022.

- Subsequently, the Respondents filed a Writ Petition before the Single Judge of the Hon'ble High Court of Madhya Pradesh. The petition was dismissed on the ground that the Respondents had not approached the Court with clean hands and had failed to serve their parents who are senior citizen.
- Furthermore, the aforesaid order was challenged, by the Respondents, before the Division Bench of the High Court. The bench set aside the impugned order with the reasoning that there was no such condition of maintenance mentioned in the Gift deed, and if the parties had such intention, the same clause must have been inserted in the Gift Deed. Additionally, the Section 23 is the sole provision which states the function of the Tribunal as to find out whether the condition in the gift deed or otherwise contains a clause providing for basic amenities and whether the transferee has refused or failed to provide them, and, hence, there vests no other jurisdiction with the Tribunal.
- Aggrieved by the decision of the Division Bench, the Appellant approached the Hon'ble Supreme Court in the present Special Leave Petition.

### **ISSUE RAISED**

- Whether the High Court was correct in setting aside the order of the Tribunal, granting benefit of Section 23 of the Act, to the Appellant?

### **RATIO DECIDENDI**

- The Apex Court while addressing the issue raised, set to determine the nature of the Act. Upon reading the preamble of the Act, it is apparent that the Act is a beneficial legislation. The Court while citing number of cases observed that a beneficial legislation must be interpreted with liberal construction that advances the remedies of the Act.
- Furthermore, the Apex Court highlighted that both sons and daughters are socially obligated to maintain their parents when they are unable to do so. Thereafter, the Apex Court in one of its decision expounded the two essentials for the purpose of application of Section 23(1) of the Act. These are as follows: -
  - the transfer must be subject to condition for maintenance of transferor.

- The transferee refused or failed to do so.
- While dealing with the present petition, the Court found two documents, *viz*, Promissory note and the Gift Deed. Both the documents stated the condition for maintenance of the Appellant and her husband till their end of life. More significantly, both the documents were signed. Therefore, the aforesaid essentials of the Section 23, were not met by the Respondents, and must be interpreted in a lenient way to benefit the senior citizens.
- Hence, the Hon'ble Supreme Court affirmed the decisions of the Tribunal and the Single Judge of the High Court of Madhya Pradesh.
- In addition, the Court also emphasized upon the jurisdiction of the Tribunal, under Section 23 of the Act, that it can order possession to be transferred. Moreover, the relief provided under the aforesaid section, is a standalone provision, which is intrinsically linked with the statement of objects and reasons of the Act.
- Subsequently, the objectives of the Act directly empower the senior citizens to retain their rights promptly when they transfer a property subject to the condition of being maintained by the transferee.

## **JUDGMENT**

Therefore, the Hon'ble Supreme Court, while affirming the decisions of the Single Judge of the High Court and the Tribunal, set aside the decision of the Division Bench of the High Court. Consequently, the Gift Deed dated 07.09.2019 was quashed and the possession of the property was restored to the Appellant.

## **ANALYSIS**

Upon going through the facts and circumstances of the present appeal, one of the most significant observations is that senior citizens must be mandatorily maintained by their sons and daughters in every circumstance. The Apex Court gave a reasoned judgment while entertaining the present issue involving the restoration of property transferred to the son by his mother. It is pertinent to mention that the statement of objects and reasons of the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007, align with the legislative intent of Section 23- Transfer of Property in certain circumstances. The Court interpreted the aforesaid provision with liberal construction as to benefit the Appellant being a senior citizen. This step established the precedent that the prime objective of the law is to benefit the weakened or marginalized section of the society, for instance, women, children, physically challenged people and senior citizens. Therefore, it is the most appropriate

reasoning to apply liberal construction while interpreting such legislations which uplifts and benefits the senior citizens.

Furthermore, the crucial aspect which was highlighted by this landmark ruling is that Section 23 of the Act is the sole provision which empowers the authorities to order eviction and grant possession of property to the senior citizens, in case, the transferee refuses or fails to fulfill the conditions imposed during the transfer of property. It encroaches upon all those people who dupe senior citizens by acquiring property deceitfully. The implications of this ruling significantly enforce the transparent and fair transfer of property by the senior citizens. It assisted in awareness among those gullible senior citizens who transfer their property under the veil of fake love and affection.

Therefore, according to my point of view, this landmark ruling touched the sensitive part among all such other ongoing disputes. This not only ensured protection and safeguard to the senior citizens, but, also, obligated the sons and daughters to maintain their parents when are unable to do so.

## **CONCLUSION**

In a nutshell, the Hon'ble Supreme Court reiterated the purposes and objectives of the Section 23 of the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007. More concisely, the Court iterated the significance of the statement of object and reasons of the Act which states that senior citizens shall be maintained when they are unable to do so. This sole objective makes this statute a beneficial legislation which should be interpreted with liberal construction. Consequently, the Court cited many cases where the beneficial legislations were interpreted in favour of the beneficiaries.

However, in present case, the particular aspect which is dealt is whether the property transferred by the parents to their children be restored to them in case their children refuse or fails to maintain them. Hence, the Apex Court, remarking the social obligation of both the sons and daughters to maintain their parents, held that it is the right of the senior citizens to take back their transferred property, which they had transferred to their children, if they are not maintained by their children.