2025 INSC 20

REPORTABLE

SUPREME COURT OF INDIA
CIVIL APPELLATE JURISICTION

CIVIL APPEAL NO. 10927 OF 2024
(Arising out of Special Leave Petition (Civil) No. 720 of 2023)

URMILA DIXIT …Appellant(s)

Versus

SUNIL SHARAN DIXIT AND ORS. …Respondent(s)

J U D G M E N T

SANJAY KAROL J.

1. The present appeal arises from the final judgment and order dated 31.10.2022 passed by the High Court of Madhya Pradesh at Jabalpur in Writ Appeal No. 1085 of 2022, whereby the judgment and order dated 02.08.2022 of the Single Judge of the High Court of Madhya Pradesh in Writ Petition No. 11796 of 2022 was set aside.

2. The Single Judge of the High Court had, in turn, affirmed the judgment dated 25.04.2022 passed by the Collector, District Chhatarpur in Case No. 91/Appeal/2021-22 and the judgment dated 27.09.2021 passed by the Sub-Divisional Magistrate and Chairman, Chhatarpur in Case No. 98/B-121/2021-22,

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Reason:

allowing the application filed by the Appellant herein under Section 23 of the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 (hereinafter "*the Act*") seeking setting aside of Gift Deed dated 09.09.2019.

Factual Matrix

3. The Appellant herein is the mother of the Respondent (son). The subject property was purchased by her on 23.01.1968. On 07.09.2019, the Appellant executed a Gift Deed in favour of the Respondent wherein it has been stated that the donee (Respondent) maintains the donor and makes provision for everything. This deed came to be registered on 09.09.2019. Allegedly, on the same day, a *vachan patra* / promissory note is executed by the Respondent wherein it has been stated that he will take care of the Appellant till the end of her life and if he does not do so, the Appellant will be at liberty to take back the Gift Deed. The Respondent, before this Court, has alleged this *vachan patra* to be fabricated.

4. Thereafter, on 24.12.2020, the Appellant filed an application under Sections 22 and 23 of the Act before the Sub Divisional Magistrate, Chhatarpur, alleging that she and her husband were attacked by the Respondent for further transfer of property and that the love and affection between the parties has completely ended. She prayed for setting aside the Gift Deed in question. This application came to be allowed, and the Gift Deed, transferring the property of the Appellant to the Respondent, was declared null and void. The Respondents preferred an appeal against this order, which came to be dismissed vide order dated 25.04.2022.

5. The Respondents, aggrieved, filed a Writ Petition bearing number 11796/2022 before the High Court of Madhya Pradesh, at Jabalpur. The Single Judge affirmed the orders of the Courts below while observing that the Respondents had not approached the Court with clean hands and had failed to serve their parents who are senior citizen. The orders of the Courts below were held to be well-reasoned and in consonance with the Act.

6. A Writ Appeal was preferred thereafter, assailing the order of the Single Judge which has been allowed *vide* the impugned order. The Division Bench of the High Court, while setting aside the judgments of the Ld. Single Judge, *vide* the impugned order, made the following observations:-

6.1 Section 23 of the Act is a standalone provision, and the function of the Tribunal is only 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. There is no other jurisdiction vested with the Tribunal.

6.2 No condition is there in the gift deed dated 09.09.2019 for maintenance of the transferor.

6.3 The argument relating to the affidavit dt. 07.09.2019, cannot be accepted. If the intention of the parties was such, the gift deed should have had a clause to the same effect.

Issues for Consideration

7. We have heard Ms. V. Mohana, learned senior counsel for the Appellant, and Ms. Madhavi Divan, learned senior counsel appearing for the Respondents. We have also perused the written submissions filed by both sides. The issue which arises for consideration of this Court is 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?

8. To answer the issue at hand, it is imperative for this Court to discuss the rules of interpretation to be applied when interpreting a beneficial legislation akin to the Act at hand. While dealing with certain provisions of the Motor Vehicles Act, this Court, in ***Brahmpal*** v. ***National Insurance Company***[1], observed that a beneficial legislation must receive a liberal construction in consonance with the objectives that the concerned Act seeks to serve.

9. This Court in ***K.H. Nazar*** v. ***Mathew K. Jacob***[2] reiterated the above expositions and stated that:

> "11. Provisions of a beneficial legislation have to be construed with a purpose-oriented approach. [Kerala Fishermen's Welfare Fund Board v. Fancy Food, (1995) 4 SCC 341] The Act should receive a liberal construction to promote its objects. [Bombay Anand Bhavan Restaurant v. ESI Corpn., (2009) 9 SCC 61 : (2009) 2 SCC (L&S) 573 and Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813] Also, literal construction of the provisions of a beneficial legislation has to be avoided. It is the Court's duty to discern the intention of the legislature in making the law. Once such an intention is ascertained, the statute should receive

[1] (2021) 6 SCC 512
[2] (2020) 14 SCC 126

> a purposeful or functional interpretation [Bharat Singh v. New Delhi Tuberculosis Centre, (1986) 2 SCC 614 : 1986 SCC (L&S) 335]
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> …
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> 13. While interpreting a statute, the problem or mischief that the statute was designed to remedy should first be identified, and then a construction that suppresses the problem and advances the remedy should be adopted. [Indian Performing Rights Society Ltd. v. Sanjay Dalia, (2015) 10 SCC 161 : (2016) 1 SCC (Civ) 55] It is settled law that exemption clauses in beneficial or social welfare legislations should be given strict construction [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] . It was observed in Shivram A. Shiroor v. Radhabai Shantram Kowshik [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] that the exclusionary provisions in a beneficial legislation should be construed strictly so as to give a wide amplitude to the principal object of the legislation and to prevent its evasion on deceptive grounds. Similarly, in Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council [Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council, 2008 HCA 48: (2008) 237 CLR 285], Kirby, J. held that the principle of providing purposive construction to beneficial legislations mandates that exceptions in such legislations should be construed narrowly."
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> *(emphasis supplied)*

10. More recently, in ***Kozyflex Mattresses (P) Ltd.*** v. ***SBI General Insurance Co. Ltd.***[3], this Court held the definition of a consumer under the Consumer Protection Act, 1986 to include a company or corporate person in view of the beneficial purpose of the Act.

11. While considering the provisions of the Medical Termination of Pregnancy Act, this Court in ***X2*** v. ***State (NCT of Delhi)***[4], reiterated that interpretation of the provisions of a beneficial legislation must be in line with a purposive construction, keeping in mind the legislative purpose. Furthermore, it was stated

[3] (2024) 7 SCC 140
[4] (2023) 9 SCC 433

that beneficial legislation must be interpreted in favour of the beneficiaries when it is possible to take two views.

12. It is in the above background that we must proceed to examine the Act. The statement of object and reasons of the Act indicates the purpose behind the enactment, as relied upon by this Court in **S. *Vanitha*** v. ***Deputy Commissioner, Bengaluru Urban District and Ors.***[5], is:

> "Traditional norms and values of the Indian society laid stress on providing care for the elderly. However, due to withering of the joint family system, a large number of elderly are not being looked after by their family. Consequently, many older persons, particularly widowed women are now forced to spend their twilight years all alone and are exposed to emotional neglect and to lack of physical and financial support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive. Hence, there is a need to have simple, inexpensive and speedy provisions to claim maintenance for parents."

13. The preamble of the Act states that it is intended towards more effective provisions for maintenance and welfare of parents and senior citizens, guaranteed and recognised under the Constitution.

14. Therefore, it is apparent, that the Act is a beneficial piece of legislation, aimed at securing the rights of senior citizens, in view of the challenges faced by them. It is in this backdrop that the Act must be interpreted and a construction that advances the remedies of the Act must be adopted.

[5] (2021) 15 SCC 730

15. Before adverting to the provisions of the Act, we must be cognizant of the larger issue that this case presents, i.e., the care of senior citizens in our society. This Court in ***Vijaya Manohar Arbat Dr*** v. ***Kashirao Rajaram Sawai and Anr.***[6] highlighted that it is a social obligation for both sons and daughters to maintain their parents when they are unable to do so.

16. In ***Badshah*** v. ***Urmila Badshah Godse and Anr.***[7], this Court observed that when a case pertaining to maintenance of parents or wife is being considered, the Court is bound to advance the cause of social justice of such marginalised groups, in furtherance of the constitutional vision enshrined in the preamble. Recently, this exposition came to be reiterated in ***Rajnesh*** v. ***Neha and Another***[8].

17. While issuing a slew of directions for the protection of senior citizens in ***Ashwani Kumar*** v. ***Union of India***[9], this Court had highlighted:

> "**3.** The rights of elderly persons is one such emerging situation that was perhaps not fully foreseen by our Constitution-framers. Therefore, while there is a reference to the health and strength of workers, men and women, and the tender age of children in Article 39 of the Constitution and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want in Article 41 of the Constitution, there is no specific reference to the health of the elderly or to their shelter in times of want and indeed to their dignity and sustenance due to their age.
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> **4.** Eventually, age catches up with everybody and on occasion, it renders some people completely helpless and dependent on others, either physically or mentally or both. Fortunately, our Constitution is organic and this Court is forward looking. This combination has resulted in path-breaking developments in law, particularly in the sphere of social justice, which has been given tremendous

[6] (1987) 2 SCC 278
[7] (2014) 1 SCC 188
[8] (2021) 2 SCC 324
[9] (2019) 2 SCC 636

> importance and significance in a variety of decisions rendered by this Court over the years. The present petition is one such opportunity presented before this Court to recognise and enforce the rights of elderly persons—rights that are recognised by Article 21 of the Constitution as understood and interpreted by this Court in a series of decisions over a period of several decades, and rights that have gained recognition over the years due to emerging situations."
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> *(emphasis supplied)*

18. Keeping in mind the beneficial intention of the statute and the above expositions, we now proceed to consider the issue at hand.

19. Section 23 of the Act reads:

> **23. Transfer of property to be void in certain circumstances**.—
>
> (1) Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.
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> (2) Where any senior citizen has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.
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> (3) If, any senior citizen is incapable of enforcing the rights under sub-section (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of Section 5.

20. In ***Sudesh Chhikara*** v. ***Ramti Devi and Anr.***[10], this Court refused to grant the benefit of Section 23 in the absence of an averment that the transfer in

[10] 2022 SCCOnline SC 1684

question was subject to a condition for maintenance of the parents. It was observed:

> "**14.** When a senior citizen parts with his or her property by executing a gift or a release or otherwise in favour of his or her near and dear ones, a condition of looking after the senior citizen is not necessarily attached to it. On the contrary, very often, such transfers are made out of love and affection without any expectation in return. Therefore, when it is alleged that the conditions mentioned in sub-section (1) of Section 23 are attached to a transfer, existence of such conditions must be established before the Tribunal."
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> *(emphasis supplied)*

21. Furthermore, in ***Sudesh*** (supra) for attracting the application of Section 23(1), the following essentials were expounded:

(a) The transfer must have been made subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor; and

(b) The transferee refuses or fails to provide such amenities and physical needs to the transferor.

22. Adverting to the facts at hand, we find that there are two documents on record. One, a promissory note dated 07.09.2019 which records that the promisor (Respondent) shall serve the Appellant and her husband till the end of their life, and in the absence of him fulfilling such obligation, the subsequent deed can be taken back by the Appellant. Second, the Gift Deed dated 07.09.2019 also records a similar condition, i.e. the donee maintains the donor, and the former makes all necessary provisions for the peaceful life of the Appellant-donor. Both these documents were signed simultaneously.

23. The Appellant has submitted before us that such an undertaking stands grossly unfulfilled, and in her petition under Section 23, it has been averred that there is a breakdown of peaceful relations inter se the parties. In such a situation, the two conditions mentioned in ***Sudesh*** (supra) must be appropriately interpreted to further the beneficial nature of the legislation and not strictly which would render otiose the intent of the legislature. Therefore, the Single Judge of the High Court and the tribunals below had rightly held the Gift Deed to be cancelled since the conditions for the well-being of the senior citizens were not complied with. We are unable to agree with the view taken by the Division Bench, because it takes a strict view of a beneficial legislation.

24. Before parting with the case at hand, we must clarify the observations made *vide* the impugned order *qua* the competency of the Tribunal to hand over possession of the property. In ***S. Vanitha*** (supra), this Court observed that Tribunals under the Act may order eviction if it is necessary and expedient to ensure the protection of the senior citizen. Therefore, it cannot be said that the Tribunals constituted under the Act, while exercising jurisdiction under Section 23, cannot order possession to be transferred. This would defeat the purpose and object of the Act, which is to provide speedy, simple and inexpensive remedies for the elderly.

25. Another observation of the High Court that must be clarified, is Section 23 being a standalone provision of the Act. In our considered view, the relief available to senior citizens under Section 23 is intrinsically linked with the

statement of objects and reasons of the Act, that elderly citizens of our country, in some cases, are not being looked after. It is directly in furtherance of the objectives of the Act and empowers senior citizens to secure their rights promptly when they transfer a property subject to the condition of being maintained by the transferee.

26. In view of the above, the impugned judgment and order with the particulars as described in paragraph one of this judgment, is set aside. Consequently, the Gift Deed dated 07.09.2019 is quashed. In the attending facts and circumstances of this case, the Appeal is allowed. Possession of the premises shall be restored to the Appellant by 28.02.2025.

27. The Registry is directed to communicate this judgment to the concerned authorities of the State of Madhya Pradesh who shall ensure compliance. Pending applications, if any, shall stand disposed of.

…….....J.
(C.T. RAVIKUMAR)

……J.
(SANJAY KAROL)

January 02, 2025
New Delhi