



# WHEN PARENTS BECOME PLAINTIFFS:

## How Courts Protect Senior Citizens from Neglect

### The Legal Framework

The **Maintenance and Welfare of Parents and Senior Citizens Act, 2007** ensures that elderly parents live with dignity and security. It imposes a statutory duty on children and relatives to provide for their well-being, protecting parents from neglect or exploitation.



# Key Provisions

Section 4	Sections 5–9	Section 23(1)	Section 23(2)
Obliges children/relatives to provide food, shelter, medical care, and basic needs.	Maintenance Tribunals can direct monthly maintenance (up to ₹10,000).	Property transfers (gifts, deeds, settlements) can be declared void if the transferee fails to provide care.	“Love & affection” is treated as an <i>implied condition</i> in property transfers, even if not expressly stated.

**From a parent’s perspective:** The Act empowers them to reclaim property, seek eviction, or enforce maintenance, giving them legal remedies when familial support fails.

## Landmark Case Laws

- ◆ **Justice Shanti Sarup Dewan v. Union Territory, Chandigarh-** (MANU/PH/2648/2013)  
Parents were entitled to evict children from their self-acquired property when neglected or ill-treated.
- ◆ **Ashwani Kumar v. Union of India -** (MANU/SC/1475/2018; 2018 INSC 1201)  
Directed governments to ensure the Act is fully implemented, including old-age homes, medical care, and functional tribunals.
- ◆ **S. Vanitha v. Deputy Commissioner, Bengaluru-** (MANU/SC/0943/2020; 2020 INSC 701)  
Confirmed that senior citizens can seek eviction of children/in-laws if harassed or neglected.
- ◆ **Smt. Varinder Kaur v. Daljit Kaur** (MANU/DE/7529/2025;2025 DHC 8641 DB)  
Cancelled a gift deed because neglect of parents breached the implied condition of love and affection under Section 23.
- ◆ **Kamalakant Mishra & Ors v. Additional Collectors & Ors-**(MANU/SCOR/72441/2025)  
Evicted a 61-year-old son for neglect, affirming tribunals’ power under the Act.

## Key Takeaways



Property inherited or gifted by parents is never unconditional.



Neglecting parents is both a moral failure and a legal wrong.



Courts actively enforce remedies—eviction, cancellation of deeds, and maintenance enforcement.

