

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (50 of 2007) Section 23(1), (2) – Distinction – Sub-section (1) of Section 23 covers a situation where property has been transferred after the enactment of the legislation by a senior citizen (by gift or otherwise) subject to the condition that the transferee must provide the basic amenities and physical needs to the transferor – In other words, Sub-section (1) deals with a situation where the transfer of the property is accompanied by a specific condition to provide for the maintenance and needs of a senior citizen – Sub-section (2) of Section 23 envisages a situation where a senior citizen has a right to receive maintenance out of an estate – Where such a right exists, the right of maintenance can be enforced where the estate or a portion of it, is transferred against a transferor who has notice of the right; or if the transfer is gratuitous – The right however cannot be enforced against a transferee for consideration and without notice of the right.

[\(2022-1\)205 PLR 736 , 2022 PLRonline 4757](#)

[Naveen Kumar v. Ram Rati, \(2022-1\)205 PLR 736 , 2022 PLRonline 4757](#)