**SHRI.KONERU LAKSHAMAIAH MEMORIAL FIRST ALL INDIA**

**MOOT COURT COMPETITION, 2018**

**The Moot Court Problem-II**

Sri Gautam Ganguly, aged 62, is a retired government employee drawing about Rs. 10,000/- per month as pension. His first wife died in 2010.

In January 2011, when Mr. Gautam expressed his wish to Mr. Arjun Ganguly (Son) and Mrs. Saara (daughter-in-law ) that he is going to have live in relationship with Ms. Neelima (aged 45), both son and daughter-in-law were rudely shocked to listen to the father’s wish.

But later they relented and requested the father that half share in the property (House, the value of which was estimated to be Rs. 10,00,000/-, Rupees Ten lakhs) in Hooghly Estates should be transferred to them.

To maintain peace in the family, Gautam Ganguly transferred half share in the property to his son in May, 2011 through a Registered Gift Deed.

However, thereafter, the son and daughter-in-law started insulting his live in partner.

Unbearable to that ill-treatment towards Ms. Neelima by both his son and daughter in law for more than one year, Gautam and Neelima shifted their residence to other premises.

Subsequently in 2013, Mr. Gautam Ganguly lodged a complaint to the Sub-Collector, City of Kolkata seeking an order to revoke the Gift Deed executed in favour of his son under Sec. 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

In the Tribunal, Sub-Collector passed an order that ‘elderly parents can take back property gifted to a son, if he ill-treats them’. This order permits the Complainant- Father to withdraw the gift deed from his son, since his son is not providing basic needs of both parents.

In the Appellate Tribunal, the Dist. Collector reversed the order of the Tribunal on ‘accepting the argument of son that an accepted gift through registered deed cannot be revoked’ under the provisions of Transfer of Property Act, 1882 read with the Registration Act, 1908.

The father got relief from Calcutta High Court when the High Court restored the order of the Tribunal.

As a last resort, the son preferred a Special Leave Petition before the Supreme Court.

Argue and also Prepare Moot Court Memorials, on behalf of the Appellant and the Respondents.

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