

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6068 OF 2020

Vijaykumar s/o Tulsiram Pawar ...Petitioner

Versus

Jyoti w/o Dr. Tushar Pawar and Ors. ...Respondents

Mr G.A. Kulkarni, Advocate for Petitioner
Mr A.R. Kale, A.G.P. for Respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22nd SEPTEMBER, 2020

PER COURT :

1. The learned Assistant Government Pleader submits that the application filed by the petitioner has been disposed of by the authority on the ground that it is not tenable. The restoration of possession cannot be granted under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Mr Kulkarni, the learned Counsel submits that the same is wrong notion of the authority. This Court has held that even restoration of possession can be granted to the senior citizen. The learned Counsel relies on the Judgment of the learned Single Judge of this Court in case of ***Dattatrey Shivaji Mane Vs Lilabai Shivaji Mane reported in 2018 (6) Mh.L.J 681.***

3. It is not disputed that against the order passed by the authority, the petitioner has remedy of appeal. In an appeal that may be filed by the petitioner, the petitioner may point out the judgment of this Court in case of ***Dattatrey Shivaji Mane Vs Lilabai Shivaji Mane*** (supra) which the appellate authority shall consider on its own merits.

4. The appellate authority shall consider the time spent in prosecuting the present writ petition. All contentions kept open.

5. Writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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