

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4272 OF 2021

Smt. Farida Akbar Khan .. Petitioner

Vs.

Naseem Firoz Kureshi & Ors. .. Respondents

.....

Mr. Mayur Sapkale i/b Mr. Anand D. Gugale for the petitioner

Ms. Simran Shaikh for respondent no.1

Mr. S.S. Panchpor, AGP for respondent – State

**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, J.J.**

DATED : 26th AUGUST, 2021

P.C.

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith. By consent of the parties, matter is taken up for final disposal.
3. By this petition under Article 226 of the Constitution of India, the petitioner is seeking directions against the respondent no.3 – Sub-Divisional Officer to decide the petitioner's Application No. 1288, dated 28th December, 2020 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as early as possible.

4. As per the earlier order passed by this Court, the learned AGP filed affidavit dated 23rd August, 2021. The learned AGP submits that the matter is closed for final order. He submits that in view of the common order passed by this Court in Suo-Moto Writ Petition, it remained on their part to pass the final order. In support of his contention he relied on paragraph nos. 2 and 3 of the affidavit-in-reply dated 23rd August, 2021, which read as under :-

“2. I say that the present writ petition is filed for seeking direction to decide an application dated 28.12.2020. I say that the notices for hearing were issued and hearing has been conducted on 12.2.2021, 26.2.2021 and 16.3.2021. Thereafter, proceedings have been ‘Closed for Final Order’.

3. I say that since April 2021, due to second lockdown this Hon’ble Court has passed an order in Suo Motu PIL No. 01/2021 and has stayed eviction notices and said order is continued from time to time till 31.8.2021. I say that in view of said order, though proceeding is closed, the decision is not yet taken till date.”

5. Considering the submissions made by the learned Counsel for the parties and as the matter is already closed for orders, the following order is passed :-

ORDER

- (i) Respondent no.3 to pass the final order on the petitioner’s application dated 28th December, 2020 under the

Maintenance and Welfare of Parents and Senior Citizen Act, 2007 as early as possible but in any case on or before 3rd September, 2021 and inform the same to the petitioner immediatley.

(ii) In the aforesaid direction, the Writ Petition is disposed of. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)