

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO.3318 OF 2022

NANA BHASKAR PATIL
VERSUS
BHASKAR SURYAJI PATIL AND OTHERS

...
Advocate for Petitioner : Ms. Sangeet Minakshi L.
Advocate for respondents no. 1 to 4 : Mr. V.Y. Patil
...

CORAM : MANGESH S. PATIL, J.

DATE : 1 JULY 2022

PC :

The petitioner is the son of the respondent no. 1 and challenging the order passed in favour of the respondent no. 1 by the learned Presiding Officer of the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ("**the Act**") in a proceeding under sections 6 and 7 of that Act.

2. The petitioner preferred an appeal under section 16 of that Act before the appellate forum but it has refused to entertain the appeal in view of the peculiar wordings of section 16, which *prima facie* confers right to prefer appeal only to a senior citizen and not to a person against whom the order is passed.

3. The issue has been elaborately considered, dealt with and decided by a Division Bench of the Punjab and Haryana High Court in the matter of *Paramjit Kumar Saroya Vs. The Union of India and*

another; AIR 2014 PUNJAB AND HARYANA 121. By resorting to the purposive interpretation, the Division Bench has specifically concluded in paragraph no. 50 (ii) that the right to appeal is conferred on a party aggrieved under section 16 of that Act. The reasoning to this conclusion can be found in paragraphs no. 31, 32 and 50.

4. With respect, I am in agreement with the interpretation.

5. The petitioner has a right to prefer an appeal under section 16 of the Act irrespective of the fact that he is not a senior citizen.

6. The writ petition is disposed of with liberty to petitioner to avail of the remedy of appeal and go back to the appellate forum. The order passed by the District Magistrate, Jalgaon – appellate forum dated 21-10-2021 is quashed and set aside.

7. The parties are relegated before the appellate authority for decision in accordance with law.

8. The parties shall appear before him on 22-07-2022

[MANGESH S. PATIL]
JUDGE

arp/