

AGK

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

WRIT PETITION NO.2194 OF 2022

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Sunita Umesh Khamgaonkar ... Petitioner
V/s.
Janardan Gangaram Khamgaonkar ...
& Ors. Respondents

Mr. S.R. Gaud for the petitioner.

Mr. A.R. Patil, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 2, 2022

P.C.:

1. This is a petition by the daughter-in-law in anticipation of proceedings under the provisions of the Maintenance & Welfare of Parents and Senior Citizens Act, 2007 wherein father-in-law and mother-in-law have sought relief of eviction.

2. In my opinion, unless and until an order of eviction is passed by the authority under the Act, filing of such application before the Court exercising power under the Domestic Violence Act is premature. Therefore, the Court under the Domestic Violence Act has rightly rejected the application.

3. The petitioner will get cause of action to challenge the order in case the authority under the provisions of the Maintenance &

Welfare of Parents and Senior Citizens Act passes an order against the petitioner. Therefore, no relief can be granted in favour of the petitioner.

4. The writ petition is disposed of accordingly. No costs.

(AMIT BORKAR, J.)