

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

WRIT PETITION NO. 9609 OF 2021

Shri Mohanlal Manjibhai Thakkar & Anr. Petitioners.

V/s

The State of Maharashtra & Ors. Respondents

None for the Petitioners.

Mr. C. D. Mali, AGP for Respondent Nos. 1 & 2.

Mr. Abhiraj Parab for the Respondent Nos. 3 and 4.

CORAM : NITIN W. SAMBRE, J.

DATED : 20th AUGUST, 2022

P.C.:

1. In spite of last chance, none appeared for the petitioners.
2. On 09/06/2022 pursuant to the objections raised by the learned counsel for the respondent nos. 3 & 4 about maintainability of the petition, as an alternate remedy under section 16 of the Senior Citizen Act is available, by way of last chance matter was adjourned for today.

3. Section 16 of the said Act reads thus:

"16. Appeals - (1) Any senior citizen or a parent, as the case may be aggrieved by the order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal;

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such

parent the amount so ordered, in the manner directed by the Appellate Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.

(3) The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.

(4) The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.

(5) The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal shall be final:

Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorised representative.

(6) The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.

(7) A copy of every order made under sub-section (5) shall be sent to both the parties free of cost.

4. When the matter is called out today also none appeared for

the petitioners.

5. As such, the petition stands disposed of in view of availability alternate remedy available u/s 16 of said act.

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(NITIN W. SAMBRE, J.)