

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

105 WRIT PETITION NO.4716 OF 2023

**RATNASHEKHAR ADINATH JAIN & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...
Advocate for the petitioners : Mr.V.B.Patil
AGP for Respondent-State : Mr.B.V.Virdhe
Advocate for Respondent nos.3 and 4 : Mr.N.E.Deshmukh

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 21.08.2023

P.C. :

1] By the present Writ Petition, the petitioners are challenging the order dated 01.03.2023 and 13.03.2023 passed by the respondent no.1 – the District Collector, Jalgaon in proceeding of appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2] The learned counsel for the petitioner submits that the respondent nos.3 and 4 i.e. parents had filed a proceeding under Section 7 of the Maintenance and Welfare

of Parents and Senior Citizens Act, 2007 before the respondent no.2 Sub Divisional Officer, Jalgaon. By order dated 18.04.2022, the Sub Divisional Officer partly allowed the application of the respondent nos.3 and 4. Thereafter, the respondent nos.3 and 4 filed appeal along with application for condonation of delay before the respondent no.1 – Collector, Jalgaon. The Collector, Jalgaon, by impugned judgment and order dated 01.03.2023 and 13.03.2023, allowed the appeal and condoned the delay in filing the Appeal.

3] It appears that, the Appellate Authority allowed the appeal by the order dated 1st March, 2023, and thereafter, condoned the delay in filing the appeal by order dated 13th March, 2023.

4] The leaned counsel for the petitioners submits that before condoning the delay the appeal was decided. Therefore, the impugned order may be quashed and set aside.

5] The learned counsel for the respondents also do not dispute the factual aspect as noted above.

6] In view of the same, the impugned orders dated 01.03.2023 and 13.03.2023 passed by the respondent no.1 – The District Collector, Jalgaon in proceeding of appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 are set-aside and the matter is remanded back to the Collector, Jalgaon. The Collector, Jalgaon is directed to decide the Appeal preferably within two months from the date of receipt of the order, in accordance with law.

7] The parties to appear before the Collector on 30th August, 2023 for further hearing in the matter.

8] Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC