

5 October 2023.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14686 OF 2022

Sanjay Shantaram Patil

...Petitioner

V/s.

Appellate Tribunal and
Collector and Ors.

..Respondents

Mr. Aniket Dhindale, for the Petitioner.

Mr. C.D. Mali, AGP for Respondent Nos.1 to 3.

CORAM : SANDEEP V. MARNE, J.

Dated : 5 October 2023.

P.C. :

1. The challenge in the present petition is to the order dated 6 June 2022 passed by the Appellate Tribunal under the Maintenance & Welfare of Parents & Senior Citizens Act, 2007 by which the Appellate Tribunal has modified the order of Maintenance Tribunal dated 20 September 2021 and has directed that possession of Room No.1009 be handed over to the Mother. The learned counsel appearing for the Petitioner would fairly submit that the order is executed and possession of the Room is already given to the Mother and she is currently residing in the

Room. The only apprehension that the learned counsel for the Petitioner would express about the impugned order of the Appellate Tribunal is in respect of the findings recorded by the Appellate Tribunal to the effect that the Mother is the owner of Room No. 1009. He would submit that the Room was allotted in the name of the Father and therefore the Mother alone cannot be the exclusive owner of that Room.

2. In my view, the order passed by the Appellate Tribunal would not be determinative of the ownership rights in respect of Room in question. It will be open for the parties to claim their ownership rights in respect of the Room in appropriate civil proceedings. The true purport of the order passed by the Appellate Tribunal is to put the Mother in possession of the Room. It was allotted in the name of her husband. Beyond this, the order cannot be read to mean that ownership rights are conferred in the name of her mother. Beyond this clarification, no interference is warranted in the order passed by the Appellate Tribunal. The Writ Petition is accordingly **disposed of**.

SANDEEP V. MARNE, J.