

Arjun

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

WRIT PETITION NO.10316 OF 2023

Dinesh Soma Makwana

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. V. V. Ugle a/w Tanmay Sangani, for the Petitioner.

Mr. Vikas Somawanshi a/w Roshan Chavan, for Respondent No.3.

Mr. A. P. Vanarase, AGP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : OCTOBER 13, 2023

P.C.:

1. By the present Writ Petition the Petitioner who is son of the Respondent No.3, has challenged the legality and validity of the order dated 1st August 2022 passed by the learned Presiding Officer @ Sub Divisional Officer, the Maintenance and Welfare of Parents and Senior Citizens Tribunal, Mumbai (Western Suburb) under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 by which it has been directed that Rs.6,000/- per month be deducted from the salary of the Petitioner and the same be deposited in the account of the Respondent No.3.

2. Learned counsel appearing for the Petitioner and learned

counsel appearing for Respondent No.3 state that the dispute between the mother and the son is settled.

3. On 4th September 2023, this Court passed the following order :

“Heard Mr. Ugle, learned counsel appearing for the Petitioner and Mr. Roshan Chavan, learned counsel appearing for Respondent No. 3.

2. Both learned counsel state that the challenge in the Petition is to the validity and legality of the order dated 01.08.2022 passed by the Presiding Officer/Sub Divisional Officer under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Both learned counsel further state that the dispute between mother and son is settled. The mother i.e. Respondent No. 3, who is present in Court states that as the Petitioner – son was harassing her, therefore, the proceedings were filed. The Petitioner has also filed an affidavit-cum-undertaking dated 04.09.2023 stating therein that he will maintain his mother in future and take all the steps for maintaining her. Hence, I am staying execution and operation of the order dated 01.08.2022. However to ascertain whether the Petitioner is complying with the affidavit-cum-undertaking furnished to this Court, stand over to 13.10.2023 at 2.30 p. m..

3. The Secretary, District Legal Services Authority, Mumbai is requested to depute two Para-Legal Volunteers to visit the home of Respondent No. 3 –

mother every week and submit report to this Court on 13.10.2023 at 2.30 p.m..

4. In accordance with the above order, the Secretary District Legal Services Authority, Mumbai deputed two Para-Legal Volunteers to visit the home of Respondent No.3-mother every week and accordingly, Para-Legal Volunteers have visited the Respondent No.3 on 14th September, 2023, 23rd September 2023, 30th September, 2023 and 7th October, 2023. They ascertained that the Petitioner is caring for the Respondent No.3 and submitted report in this Court on 13th October 2023.

5. Accordingly, the Writ Petition is disposed of by passing the following order :

(i) By consent of the Petitioner and Respondent No.3, the impugned order dated 1st August 2022 passed by the learned Presiding Officer @ Sub Divisional Officer, the Maintenance and Welfare of Parents and Senior Citizens Tribunal, Mumbai (Western Suburb) is set aside.

(ii) However, to ensure that the Respondent No.3-mother, senior citizen is properly looked after by the Petitioner, the Secretary District Legal Services Authority, Mumbai is requested to depute two Para-Legal Volunteers to visit the home of Respondent

No.3-mother every month for a period upto 31st
March 2024 and submit report to this Court.

- 6.** Accordingly, the Writ Petition is disposed of in above terms.
- 7.** However, to ensure compliance of this order, stand over to
8th April 2024.

[MADHAV J. JAMDAR, J.]