



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.181 OF 2023

Dilip S/o Bhanudas Wakode and another .Vs. The District Collector, Akola, District Akola
and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Ram D. Karode, Advocate for petitioners.

Shri H.N. Jaipurkar, A.G.P. for respondent Nos.1 and 2/State.

Shri S.A. Dutonde, Advocate for respondent No.3.

Shri P.S. Girdekar, Advocate for respondent Nos.5 to 7.

CORAM : ANIL S. KILOR, J.

DATED : 15/09/2023

1. The 80 years old mother filed a proceeding under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act of 2007") against one of her sons and daughter in law for grant of maintenance which came to be allowed vide impugned order dated 12.07.2022, which is the subject matter of challenge of the present writ petition, on the ground that, the direction to pay Rs. Five Thousand issued to the daughter in law and not to the son.

2. Furthermore, it is argued that without holding proper enquiry as contemplated under Section 5 of the Act of 2007, the order was passed.

3. The learned Sub-Divisional Officer considering the fact that, the properties of the father of the petitioner No.1 were partitioned long back and further

considering the age of the applicant, it is held that, it is a duty of the son to maintain his mother particularly when the petitioner No.1 is enjoying the ancestral property and earning income out of it.

4. As far as, the order directing the daughter in law to pay amount of maintenance is concerned, it appears to be a typographical mistake as all the findings recorded by the Sub-Divisional Officer are against the son.

5. In that view of the matter, I do not find any merit in the present matter. However, the order of the Sub-Divisional Officer is modified and thereby it is directed that the petitioner No.1 shall pay maintenance of Rs. Five Thousand as directed by the Sub-Divisional Officer to the respondent No.3.

6. The registry is directed to transfer the amount deposited by the petitioners to the Sub-Divisional Officer, Akola. Thereupon, the Sub-Divisional Officer, Akola shall permitted the respondent No.3 to withdraw the amount.

Writ Petitions is **disposed of** accordingly. No order as to costs.

JUDGE