

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

WRIT PETITION NO. 1871 OF 2023

Suneeta Bhalchandra Sakharkar ___ Vs. ___ Reetika Sarang Sakharkar

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. A.C.Khare, Advocate for petitioner
 Mr. N.R.Bhisikar, Advocate for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/08/2023

1] The petition questions the order dated 01.02.2023 (pg. 61), thereby on account of pendency of proceedings under the DV Act, the learned Tribunal has refused to exercise the jurisdiction.

2] Though a plea is raised about an alternate remedy being available under Section 16 of the Maintenance and Welfare of Parents And Senior Citizens Act, 2007, in my considered opinion this is a fit case in view of the language of the impugned order to interfere by setting it aside, as the authority has refused to exercise jurisdiction vested in it by deciding the proceedings before it, one way or the other, considering which the impugned order is hereby quashed and set aside and the matter is remitted back to the Tribunal to decide it in accordance with law.

3] The petition is allowed in above terms. No costs.