

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10240 OF 2023.

Parshuram Alias Prashant
Hariba Chavan And Ors

...Petitioners.

Versus

Hariba Gangaram Chavan

...Respondent.

*Mr. Sarang S. Aradhye a/w Adv. Gauri Velankar, Mr. Shantanu Gurav &
Adv. Saarth Chordia for the Petitioner.
Mr. Divyesh Jain i/by Nitin Gaware Patil for the Respondent.*

Coram : Sharmila U. Deshmukh, J.

Date : September 20, 2024.

P. C. :

1. Learned counsel appearing for Respondent raised a preliminary objection of availability of an alternate remedy of an Appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
2. He submits that the Division Bench of this Court in the case of ***Jagdish Pitamber Pawar vs. Pitamber Pundalik Pawar*** (Writ Petition No. 36 of 2023) was considering the issue as to whether the appeal is maintainable only at the instance of Senior Citizens or a

parent or it is maintainable at the instance of any aggrieved person and that the Division Bench has concluded that the Appeal under Section 16 of the Act would be maintainable even at the instance of any of the children or relatives.

3. Upon being confronted with this position, learned Counsel for the Petitioner fairly concedes that the Petition would be withdrawn and the remedy of the appeal would be availed of.

4. In light of the above the Writ Petition is permitted to be withdrawn with liberty to file an Appeal under Section 16 of the Senior Citizens Act.

5. Needless to clarify that all rights and contentions of all parties are expressly kept open.

6. If any objection is raised as regards limitation the same to be decided by the Appellate Authority by considering the pendency of this Petition.

[Sharmila U. Deshmukh, J.]