

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13011 OF 2024

Sunil Lingappa Kamble Petitioner

V/s.

The State of Maharashtra & Ors. Respondents

Mr.Yogesh Dalavi, for the Petitioner.

Ms.S.S. Jadhav, AGP, for Respondent Nos.1 and 3-State.

Mr.C.M. Lokesh i/b Mr.V.A. Shastry, for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 26th SEPTEMBER 2024

P.C:-

. In view of the judgment of the Division Bench of this Court in the case of *Jagdish Pitamber Pawar V/s. Pitamber Pundalik Pawar*¹, Petitioner has alternate remedy of filing Appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. The learned counsel for the Petitioner though seeks withdrawal of the Petition, makes grievance that the Appeal filed by the Petitioner before the Appellate Authority has not

1 Writ Petition No.36 of 2023 decided on 29/11/2023

been entertained. In view of the judgment of the Division Bench of this Court it is not open for the Appellate Authority to refuse entertainment of the Appeal filed by the Petitioner,. Hence order.

ORDER

- (i) The Petition is dismissed as withdrawn with liberty to file Appeal.
- (ii) The Appellate Authority to entertain the Appeal filed by the Appellant and decide the same in accordance with law.
- (iii) All pending Civil/Interim Applications are disposed of.

(R.M. JOSHI, J.)