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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7137 OF 2023**

Mita Romit Rudani ... Petitioner
Vs.
Collector and District ... Respondents
Magistrate of Palghar and Others

Mr. Sandeep Sheregar a/w. Mr. Mangesh Dongre, Mr. Abhishek Bhoir,
Ms. Vrushali Nalawade and Mr. K. B. Nair for the Petitioner.
Mr. Amey Patil a/w. Mr. Punit Vyas i/b. Mr. Jash Vyas for Respondent
Nos. 4 and 5.
Mr. A. P. Vanarase, AGP for the State.
Respondent No. 1 – Collector Palghar represented by Law Officer, Ms.
Manisha Patil.

CORAM : GAURI GODSE, J.

DATE : 5th FEBRUARY 2024

P.C.

1. This petition challenges two separate orders passed on 31st March 2021 and 13th November 2021 under the provisions of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
2. So far as order dated 31st March 2021 is concerned, the said order was an interim order. Order dated 13th November 2021 is the

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final order deciding the application filed by the respondent nos. 4 and 5. By way of final order the petitioner and daughter of respondent nos. 4 and 5 are directed to pay an amount of Rs.5000/- towards maintenance, and they both are directed to take care of respondent nos. 4 and 5 and not harass them.

3. After the petition was argued for sometime, learned counsel for respondent nos. 4 and 5 on instructions of respondent nos. 4 and 5 who are present in court states that they do not intend to press their application for seeking maintenance from the petitioner who is their daughter-in-law.

4. So far as the order dated 31st March 2021 is concerned, though the said directions are in the form of an injunction it was passed as an interim order and the said order is not continued at the time of the final order that was passed on 13th November 2021.

5. Both the parties agree that in view of the final order the interim order dated 31st March 2021 does not survive. Respondent nos. 4 and 5 are permitted to withdraw their Application No. 1 of 2021, however respondent nos. 4 and 5 are at liberty to take out appropriate

proceedings as permissible in law with respect to their rights as claimed in the property described in order dated 31st March 2021.

Hence, petition is disposed of by passing the following order :

- (i) Respondent nos. 4 and 5 are permitted to withdraw their Application No. Senior Citizen/Case No. 01 of 2021 filed before the Assistant Collector, Dahanu Division. Consequently the order dated 31st March 2021 and 13th November 2021 are quashed and set aside.
- (ii) Respondent nos. 4 and 5 are at liberty to agitate their grievance by filing appropriate proceeding before the appropriate forum for agitating their rights with respect to the properties described in order dated 31st March 2021.
- (iii) It is clarified that I have not examined the rival contentions of the parties on merits. Hence all contentions of all parties are kept open.
- (iv) Writ Petition is disposed of in the above terms.

[GAURI GODSE, J.]