

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5266 OF 2021**

Mahadeo Jyotiba Chavan

...Petitioner

Versus

Jyotiba Mahadeo Chavan And Ors.

...Respondents

....

**Mr. S. S. Kharat**, for Petitioner.**Mr. Sandeep B. Naik**, Mr. Sanjay Patekar, for Respondents.

....

**CORAM : SANDEEP V. MARNE, J.****DATED : 20 FEBRUARY 2024.****P.C. :**

The challenge in the present petition is to the Order dated 15 June 2021 passed by the Appellate Authority under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 by which the Appellate Authority has directed Petitioner to vacate the Room No.103, Matruchaya Building, First Floor, Mahadev Palav Road, Kari Road, Mumbai (said room). Appellate Authority has further directed Petitioner to pay monthly charges of Rs.5,000/- to Respondent No.1.

2. So far as vacating said room is concerned, Petitioner has filed an undertaking dated 13 December 2023 to vacate the said room within a period of 06 months and shift to another premises. This takes care of the issue of vacation of the said room by Petitioner. Second aspect is about grant of

monthly maintenance of Rs.5,000/-. Respondent No.1 would submit that he is entitled to maintenance from Petitioner as Petitioner is not looking after Respondent No.1. It appears that the father has another son (Respondent No.2) and 02 daughters (Respondent Nos.3 and 4). Upon a query being raised by this Court as to why Respondent No.1 does not desire any monthly maintenance from his other son Prakash and 02 daughters, the learned counsel would submit that the other son Prakash provides him medicines and also takes care of father. This is the reason why the father is not claiming monthly maintenance from other son Prakash.

3. Be that as it may. Since the Petitioner is vacating the said room and will have to make alternate arrangement for residence at some other place alongwith his family, coupled with the fact that no direction was sought by the father against the other son and 02 daughters for payment of monthly maintenance, the ends of justice would meet if amount of maintenance of Rs.5,000/- is reduced to Rs.3,000/-. It appears that the maintenance at the rate of Rs.5,000/- per month has already cleared till the month of February 2024. The learned counsel appearing for Petitioner, after taking instructions from Petitioner, who is personally present in the Court, makes a statement that the Petitioner is agreeable to pay monthly maintenance of Rs.3,000/- to Respondent No.1.

4. Accordingly, I proceed to pass following order :

- i) Order dated 15 June 2021 passed by the Appellate Authority shall stands modified to the extent that Petitioner shall vacate the possession of the said room by 07 June 2023.

ii) The Petitioner shall pay monthly maintenance of Rs.3,000/- to Respondent No.1 from the month of March 2024.

5. With the above directions, Writ Petition is disposed of.

**SANDEEP V. MARNE, J.**

KISHOR  
VISHNU  
KAMBLE

Digitally signed  
by KISHOR  
VISHNU  
KAMBLE  
Date:  
2024.02.27  
02:27:36 +0530