

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3103 OF 2024

Shital Prashant Aklujkar ... Petitioner
V/s.
Prabhakar Narhar Aklujkar and Ors. ... Respondents

Mr. Mandar Soman for the Petitioner.

Mr. Niranjan P. Shimpi, for the Respondent.

CORAM : AMIT BORKAR, J.

DATED : APRIL 3, 2024

P.C.:

1. Arguable questions are raised. **Rule.**
2. Prima facie it appears that the premises in question is a share household, therefore, to maintain competing right between the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Protection of Women from Domestic Violence Act, 2005 ("PWDV Act" for short). In view of the course adopted by the Apex Court in the case of **S. Vanitha Vs. Deputy Commissioner, Bengaluru Urban District and Ors.** reported in (2021) 15 SCC 730 as reflected from paragraph No. 41(4) of the judgment, following order is passed:
3. The order passed by the Tribunal is stayed for a period of two months from today.

4. The petitioner shall file the application before the Court under the provisions of the PWDV Act if already not filed. If such application is pending or filed within two weeks from today, the Tribunal under the protection of the PWDV Act shall decide such application within two months from today.

5. It is made clear that extension of two months will not be further extended under any circumstances.

(AMIT BORKAR, J.)