

Nikita

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

WRIT PETITION NO.4947 OF 2024

NIKITA
KAILAS
DARADE

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Date: 2024.04.08
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Shraddha Ganesh Pasalkar ... Petitioner

V/s.

Gopinath Krishna Pasalkar and Ors. ... Respondents

Mr. Veerdhaval Kakade for the Petitioner.

Mr. Yashodeep Deshmukh a/w Ms. Vaidehi Pradeep
a/w Mr. Ameya Tawde i/b Mr. Pradeep Patil for the
Respondent No. 1 and 2.

Mr. Y. D. Patil, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 8, 2024

P.C.:

1. Rule.

2. The petition is at the instance of daughter-in-law. The Apex Court in the case of **S. Vanitha Vs. Deputy Commissioner, Bengaluru Urban District and Ors.** reported in (2021) 15 SCC 730, has balanced the rights of senior citizens with the rights of daughter-in-law and directed the daughter-in-law to approach the Court under the Protection of Women from Domestic Violence Act, 2005 (the Act) and till then, the possession was protected.

3. Therefore, in terms of paragraph No.41.4 of **S. Vanitha** (supra), the petitioner's possession over the premises in question is protected for a period of four months from today.

4. Within four months from today, the petitioner shall approach the Court under the Act and request for appropriate relief.
5. The Court under the Act shall take into consideration competing rights of the parties and shall pass appropriate orders uninfluenced by the pendency of the present writ petition.

(AMIT BORKAR, J.)