



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6741 OF 2024

Harsh Bubna and Anr.

... Petitioners.

Versus

Suryaprakash Bubna and Ors.

... Respondents.

Ms. Sonal a/w. Mr. Rohit Gupta, Vijit Shinde, Mr.Advait helekar,
Mr.Jayesh Bhosle i/by Aditya R. Iyer for the Petitioners.

Mr. A.M. Saraogi, for the Respondent No.1.

Ms. M.S. Srivastava, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : December 04, 2024

P. C. :

1. At the outset, learned counsel appearing for the Petitioners seeks leave to amend the cause-title to delete the Respondent No.3. Amendment to be carried out forthwith.

2. Learned counsel appearing for the Respondent No.1 has raised a preliminary objection to the maintainability of the Petition in view of the alternate remedy of Appeal available under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ("**Senior Citizens Act**") in view of the decision of Division Bench of this Court (Aurangabad Bench) in the case of ***Jagdish***

***Pitamber Pawar vs. Pitamber Pundalik Pawar and Ors. in Writ
Petition No.36 of 2023.***

3. In light of the said decision, learned counsel for the Petitioners seeks permission to withdraw the Petition with liberty to file an appropriate Appeal under Section 16 of the Senior Citizens Act. She would however request that the interim relief which was granted on 8th May, 2024 staying the effect and execution of the order dated 15th April, 2024 passed by the Senior Citizens Tribunal be continued for a period of eight weeks. The said request is opposed by learned counsel for the Respondent No.1. He would submit that under the guise of the ad-interim relief, the Respondent No.1 and his mother who is aged about 99 years has been restrained from entering the said premises. Learned counsel appearing for the Petitioners disputes that the Petitioners have at any time obstructed the Respondent No.1 or his mother from entering the said premises.

4. Considering that the ad-interim relief was granted on 8th May, 2024, the same is continued for a period of two weeks from today. It is thereafter, open for the Appellate Tribunal to consider the extension of the said interim relief on its own merits and after

hearing the parties. It is made clear that the grant of the extension of ad-interim relief will not prohibit the Respondent No.1 and his mother from entering the said premises and the Petitioners are restrained from obstructing the entry of the Respondent No.1 and his mother in the said premises.

5. Needless to clarify that this Court has not gone into the merits of the matter and as such, all rights and contentions of the parties are expressly kept open.

[Sharmila U. Deshmukh, J.]