

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6836 OF 2024.

Ajay Kamlashankar Pandey and Another.

...Petitioners.

Versus

Presiding Officer, Senior Citizens Welfare Tribunal,
Mumbai Western Suburban and Others.

...Respondents.

Mr. Anand Jadhav for the Petitioner.

Mr. Kunal Bhanage i/b Mr. Akshay Pawar for Respondent Nos.2 to 4.

Mr. Hamid D. Mulla, AGP for Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : December 11, 2024.

P. C. :

1. Learned counsel for Respondent raises preliminary objection on the availability of alternate remedy. Learned counsel for the petitioner, on instructions, seeks permission to withdraw the petition and avail the appropriate remedy under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The petition is disposed of as withdrawn.

2. By order dated 19th August, 2024, this Court had directed the execution proceedings to proceed further except for the order of possession. The said order to continue for a period of two weeks. Thereafter, it is open for the Appellate Authority to consider the relief. It is made clear that the order of 19th August, 2024 was by way of ad-

interim relief till the replies are filed and there is no adjudication on the merits. The Appellate Authority is therefore, requested to consider the interim relief if sought on its own merits and in accordance with law. All the rights and contentions of the parties are expressly kept open.

[Sharmila U. Deshmukh, J.]