

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7099 OF 2024

Abhijit Gajanan Paranjpe.

...Petitioner.

Versus

The Office Of The Presiding
Officer Parents and Senior Citizen
Welfare Tribunal and Another.

...Respondents.

Mr. Shreyans Mamania for the Petitioner.

*Ms. Urmila U. Yengade, Kalyani M. and Shivanand Taksale i/b Rahul D. Sahu for
the Respondent No. 2.*

Ms. Priyanka Chavan, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : December 13, 2024.

P. C. :

1. A preliminary objection is raised by the learned counsel appearing for the Respondent No.2 about the alternate remedy available to the Petitioner under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Issue is no more *res integra* and has been settled by the Division Bench of this Court in ***Jagdish Pitamber Pawar v. Pitamber Pundalik Pawar***¹ where this Court has held that an appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 would be maintainable even at the instance of any of the children or relatives.

1 A'bad Bench- WP No. 36 of 2023 dtd. 29-11-2023.

2. In the light of clear enunciation of law, petition is not maintainable before this Court. Petition is disposed of with liberty to the Petitioner to avail the alternate remedy before the Appellate Authority under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

3. By order of 21st May 2024, this Court had directed that no coercive steps be taken against the Petitioner. The said order is extended for a period of two weeks from today. Thereafter it is for the Appellate Authority to consider the grant of interim relief. It is made clear that interim relief was not granted by this Court on adjudication upon merits of the case and it was by way of ad-interim relief till the notice is served. Interim relief if any sought by the Petitioner is to be adjudicated by the Appellate Authority on its own merits and in accordance with law.

[Sharmila U. Deshmukh, J.]