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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

WRIT PETITION NO.8521 OF 2024

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VASANT
ANANDRAO IDHOL
Date: 2024.06.26
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Kavita R. Katare & Anr.

...Petitioners

V/s.

Sonabai K. Katare & Anr.

...Respondents

Mr.Abhijeet Marathe for the Petitioners.

Mr.Ahok B. Tajane with Mr.Yogesh A.Tajane for the
Respondents.

CORAM : AVINASH G. GHAROTE, J.
DATE : 26TH JUNE, 2024.

P.C. :-

1. Learned counsel for the petitioners does not dispute that an appeal would lie against the order of the Tribunal under the Senior Citizens Act in view of the opinion rendered by the learned Division Bench of this in Writ Petition 36 of 2023 in the case of **Jagdish Pitambar Pawar vs. Pitamber Pundalik Pawar & Ors.** decided on 29.11.2023 and seeks leave to file an appeal. The only difficulty expressed by him is that the appeal was to be

filed in form-H which was meant for filing of an appeal by the senior citizens and since the appeal is now filed by the children / aggrieved person, there would be some changes in the form of appeal.

2. It is the settled position of law that forms are merely for the purpose of guidance as to mode and manner in which pleadings are to be filed and does not control the exercise of jurisdiction. It would therefore, be open to file an appeal and for the Appellate Authority to entertain the same even if it does not conforms to form-H of the Rules framed under the Senior Citizens Act. The petition is therefore permitted to be withdrawn with liberty to file an appeal under section 16 of Senior Citizens Act before the appellate Authority.

(AVINASH G. GHAROTE, J.)