

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

WRIT PETITION NO. 8703 OF 2024

Sunil Ramu Khande And Anr. ...Petitioners
Versus
Smt Sulochana Ramu Khande And Ors. ...Respondents

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Ms. Deepali Deherkar, for the Petitioners.

Mr. J. P. Patil, A.G.P. for the Respondent – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 24th JUNE 2024

P.C.:

1. The learned Division Bench of this Court in **Jagdish Pitamber Pawar Vs. Pitamer Pundalik Pawar and others** in Writ Petition No.36 of 2023 decided on 29.11.2023 has answered the question framed as under :

“Whether an appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 is maintainable only at the instance of any senior citizen or a parent or it is maintainable at the instance of any aggrieved person?”

by holding that an appeal under Section 16 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 would be maintainable even at the instance of any

children or relatives, in light of which, an appeal by the present petitioners, who is the son of respondent No.1 and is aggrieved by the order dated 28.03.2024 by the Maintenance Tribunal would be maintainable. Since the order dated 28.03.2024 by the Maintenance Tribunal is being questioned, against which as indicated above an appeal lies, the petitioners are relegated to the appellate remedy. As a statement is made that the appeal is already filed which is not being entertained by the respondent No.3, he is directed to register the appeal and hear and decide the same. Till that time the learned counsel for the petitioners volunteers to pay maintenance at the rate of Rs.10,000/- per month without fail to the respondent No.1. Since the issue regarding maintainability of the application is covered, there is no necessity to issue notice to the respondent No.1 as all that is being directed is for the respondent No.3 to hear the appeal in light of what the learned Division Bench has said about its maintainability.

3. The petition is therefore disposed of by directing the respondent No.3 as above, subject to the undertaking of payment of Rs.10,000/- per month to the respondent No.1 as

maintenance during the pendency of the appeal. The respondent No.3 shall register the appeal by 1st July 2024 and shall decide the same within a period of 60 days from 1st July 2024.

4. The petitioners shall ensure service upon respondent No.1 in the appeal by all modes permissible including humdast.

5. The effect and operation of the impugned order dated 28.03.2024 by the Maintenance Tribunal is stayed till 6th July 2024.

(AVINASH G. GHAROTE, J.)