

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

**VASANT
ANANDRAO
IDHOL**

WRIT PETITION NO. 9973 OF 2024

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Shankar Waman Shevkar		...Petitioner
Versus		
The State Of Maharashtra Throu.		
Sub-divisional Officer Niphad And Anr.		...Respondents

Mr.Rokade Narayan G. for the Petitioner.

Ms.Tanu N. Bhatia, A.G.P for the Respondent – State.

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	19th JULY 2024

P.C.:

1. The impugned order dated 11.06.2024 rejects the appeal on account of its non-maintainability. The learned Division Bench of Aurangabad Bench this Court in case of **Jagdish Pitamber Pawar vs. Pitamber Pundlik Pawar & Ors.** in Writ Petition No.36 of 2023, has held, that an appeal by the aggrieved party under Section 16 of The Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 is maintainable, considering which since this is the only relief, which is being sought, no notice to the respondent No.2 would be necessary.

Learned AGP appears for the State.

2. The impugned order is therefore quashed and set aside in view of the opinion rendered by the learned Division Bench in case of **Jagdish Pitamber Pawar vs. Pitamber Pundlik Pawar & Ors.** in Writ Petition No.36 of 2023 and the petitioner is relegated to the remedy of appeal, which shall be decided on its own merits.

(AVINASH G. GHAROTE, J.)