



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.10928 OF 2024**

Kiran Balkrushna Ughade and Anr.

... Petitioners.

**Versus**

The Ld. Presiding Officer, Parents and Sr.Citizen  
Tribunal alias Dy.Collector, Mumbai Divn. and Ors.

... Respondents.

Mr. H.D. Chavan for the Petitioners.

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

**Coram : Sharmila U. Deshmukh, J.**

**Date : December 09, 2024**

**P. C. :**

1. Preliminary is objection raised by the learned AGP in view of the alternate remedy which is available to the Petitioner under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ("Senior Citizens Act"). The issue has been settled by the Division Bench of this Court (Aurangabad Bench) in the case of ***Jagdish Pitamber Pawar vs. Pitamber Pundalik Pawar and Ors. in Writ Petition No.36 of 2023***, holding that the remedy under Section 16 of the Senior Citizens Act is available to the children and relatives.

2. In light of alternate remedy available to the Petitioner, the learned counsel for the Petitioner seeks liberty to withdraw the

Petition to file appropriate Appeal before the Appellate Authority.

Petition is permitted to be withdrawn with liberty as prayed.

**3.** It is made clear that this Court has not gone into the merits of the Petition and as such, all rights and contentions of the parties are expressly kept open. While considering the aspect of delay, pendency of the present Petition may be taken into consideration.

**4.** Let the Appeal be filed within a period of two weeks from today. The interim relief which was granted by order dated 19<sup>th</sup> August, 2024 staying the impugned order, is extended for a period of two weeks. It is thereafter open for the Appellate Authority to consider the extension of the interim relief on its own merits and in accordance with law.

**[Sharmila U. Deshmukh, J.]**