

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11866 OF 2024**

Eknath Dinkar Kamble and anr. ... Petitioners

versus

The State of Maharashtra and ors. Respondents

Mr. Anand S. Patil, Advocate for the Petitioners.

Mr. J. P. Patil, AGP for Respondent Nos.1 to 3/State.

CORAM : R. M. JOSHI, J.

DATE : 23rd AUGUST, 2024.

P.C. :

1. Heard.

2. Learned counsel for the petitioners submits that at the first instance without hearing the petitioners, the Tribunal, under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, had passed an order dated 26th October 2023 directing the petitioners to vacate house No.626 situated at Haladi, Harijanwada, Taluka Karveer. It is his submission that this order was challenged before the appellate authority on the ground that the petitioners were not heard before passing of the said order. The appellate authority, by order dated 7th June 2024 remanded the proceedings back to the Tribunal for decision afresh. However, the said authority did not pass any fresh order but only confirmed the earlier order. It is his submission that owing to the disputes

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with the father over the ancestral property sold by the petitioners, the proceedings are initiated against the petitioners. On instructions, learned counsel for the petitioners, makes a statement that the petitioners are ready to deposit a sum of Rs. 25,000/- within a period of two weeks to show their bonafide.

3. Having regard to these facts, subject to the petitioners depositing sum of Rs.25,000/- in this Court, there would be stay to the impugned order dated 31st July 2024 as well as clause (2) of the order dated 21st June 2024 passed by the Tribunal till next date of hearing.

4. Issue notice to the respondents returnable on 23rd September 2024. In addition to usual mode of service, learned counsel for the petitioners is permitted to serve the respondents by private mode.

5. It is clarified that if the amount of Rs.25,000/- is not deposited within two weeks, the stay order shall stand vacated without reference to this Court.

(R. M. JOSHI, J.)