



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16693 OF 2024
WITH
INTERIM APPLICATION NO.14794 OF 2024

Deepak alias Vivek Govind Choudhary ... Petitioner.

Versus

Deputy Collector Mumbai and Presiding Officer
and Ors. ... Respondents.

Mr. Shailendra Pendse a/w. C.S. Lamba, Md.Shamsher Ali nd Jay Pandye,
Advocates for the Petitioner.

Mr. Bharat Gadhavi, Mr.Vinayak Shelar i/by Mr.Rahul Salve, Advocate for
the Respondent Nos.2 and 3.

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

Coram : Sharmila U. Deshmukh, J.

Date : November 19, 2024

P. C.:

1. A preliminary objection has been taken as regards the entertainment of the Petition in view of the alternate remedy available under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Learned counsel appearing for the Respondent Nos.1 to 3 tenders the decision of Division Bench of this Court [Aurangabad Bench] passed in the case of ***Jagdish Pitambar Pawar v. Pitambar Pundalik Pawar and Ors.*** in Writ Petition No.36 of 2023, holding

that the Appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, would be maintainable, even at the instance of any of the children or relatives. In light of the decision of the Division Bench, with which I am respectfully bound, I am not inclined to consider the Petition in view of the alternate remedy available.

3. The Petition is disposed of by relegating the Petitioner to remedy before the Appellate Authority. Considering that the Petition was pending before this Court, no coercive action be taken against the Petitioner for a period of 7 days. Thereafter, it will be open for the Appellate Authority to consider the Application for extension of stay.

4. It is made clear that this Court has not gone into the merits of the matter and as such, all rights and contentions of the parties are expressly kept open. The issue as regards the extension of stay to be considered by the Appellate Authority on its own merits and uninfluenced by the fact that the Petitioner was protected by this Court for period of 7 days.

[Sharmila U. Deshmukh, J.]