
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 19054 OF 2024

Harsh Bubna & Anr. ...Petitioners

Versus

Mr. Suryaprakash Bubna & Anr. ...Respondents

Mr. Aditya R. Iyer *a/w Rohit Gupta, Advait Helekar, Vijit Shinde & Jayesh Bhosle, for the Petitioners.*

Mr. Ashok Saraogi, *for Respondent No.1.*

Mr. Swapnil Kamble, AGP, *for Respondent No.2-State.*

Mr. Suryaprakash Govindram Bubna, *Respondent No.1 present in Court.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : DECEMBER 19, 2024

PC :

1. The above Writ Petition is filed seeking the following relief:-

“a) This Hon’ble Court be pleased to direct Respondent No.2, i.e. the Appellate Tribunal, constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to expeditiously hear the Interim Application filed on 11 December 2024 in the Appeal filed on 9 December 2024 by the Petitioners against the order dated 15 April 2024 passed by the Officer functioning as the Ld. Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in application no. 105 of 2023;”

2. The Learned Counsel appearing on behalf of the Petitioners

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submitted that in the facts of the present case, Respondent No.1 approached the Senior Citizens Tribunal seeking the eviction of the Petitioners, who are the son and daughter of Respondent No.1. The Senior Citizens Tribunal passed an Order dated 15th April, 2024, evicting the Petitioners herein from the suit premises. The said order was initially challenged by way of Writ Petition No.6741 of 2024 before the Learned Single Judge of this Court. The said Writ Petition was disposed of by an Order dated 4th December, 2024 directing that the Petitioners avail of the alternate remedy of Appeal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [***“Senior Citizens Act”***]. The Court also ordered that the ad-interim relief granted in the said Writ Petition shall continue. That relief was not to evict the Petitioners for a period of two weeks, with a rider that Respondent No.1 and his mother [Petitioner No.1’s grandmother] are not prohibited from entering the suit premises and the Petitioners are restrained from obstructing the entry of Respondent No.1 and his mother in the suit premises.

3. The Learned Counsel appearing on behalf of the Petitioners submitted that pursuant to the directions issued by the Learned Single Judge of this Court on 4th December, 2024, the Petitioners herein filed an Appeal before the Appellate Tribunal and also preferred an Interim

Application seeking a stay of the impugned order. The grievance is that neither the stay Application nor the Appeal is being heard, and the ad-interim relief granted by the Learned Single Judge of this Court expired yesterday. It is in these circumstances that a direction is sought from us to the Appellate Tribunal to hear the Appeal and the Stay Application as expeditiously as possible.

4. Mr. Saraogi, the Learned Counsel appearing on behalf of Respondent No.1 submitted that Respondent No.1 has no objection if the hearing of the Appeal before the Appellate Tribunal is expedited. He also, on instructions, stated that Respondent No.1 shall not execute the impugned order dated 15th April, 2024 until the hearing of the Appeal by the Appellate Tribunal. In other words, Respondent No.1 shall not evict the Petitioners from the suit premises. We accept the said statement as an undertaking given to the Court. We further clarify that pending the Appeal, the Petitioners shall not obstruct the entry of Respondent No.1 and his mother into the suit premises as directed by the order dated 4th December, 2024 passed in Writ Petition No.6741 of 2024.

5. Considering the statement made by Mr. Saraogi, we dispose of the above Writ Petition by requesting the Appellate Tribunal to hear the Appeal of the Petitioners as expeditiously as possible and preferably

within a period of eight weeks from today. Pending the decision in the aforesaid Appeal, as per the statement of Mr. Saraogi, Respondent No.1 shall not take out any proceedings to evict the Petitioners from the suit premises. It is made clear that Respondent No.1 and his mother's entry into the suit premises shall also not be obstructed by the Petitioners.

6. The above Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]