

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15501 OF 2024
IN
WRIT PETITION NO. 6326 OF 2021.

Sitabai Bhima Palve	...Applicant.
<u>IN THE MATTER BETWEEN:</u>	
Suresh Bhima Palave and Another.	...Petitioners.
<u>Versus</u>	
State of Maharashtra and Others.	...Respondents.

Mr. Shahid Ali Ansari for the Petitioner (through VC).
Mr. Rahul Salve, Ms. Urmila Yengade and Mr. Himanshu Patil for Intervenor.
Ms. V. R. Raje, AGP for Respondent-State.

Coram : Sharmila U. Deshmukh, J.
Date : December 13, 2024.

P. C. :

1. The challenge in the present petition is to the order dated 9th December, 2019 passed by Respondent No.4 which is the Competent Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the order dated 27th January, 2020 passed by the Appellate Authority.
2. By the order dated 27th January, 2020, the Appellate Tribunal has refused to entertain the appeal on the ground that the remedy is available only to the senior citizens. The issue is no longer *res integra* and has been decided by the Division Bench of this Court in ***Jagdish***

Pitamber Pawar v. Pitamber Pundalik Pawar¹ where the Division Bench of this Court (Aurangabad Bench) has taken the view that the remedy of appeal is available even to the relatives and children of the senior citizens.

3. In light of the above, the impugned order dated 27th January, 2020 is hereby quashed and set aside. The Appellate Tribunal is directed to consider the Appeal in accordance with law. Interim Application does not survive for consideration and the same stands disposed of.

[Sharmila U. Deshmukh, J.]

1 A'bad Bench – WP No.36 of 2023 dtd. 29.11.2023