



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 242 OF 2025

Chunilal Gangaram Patil

....Petitioner

VERSUS

Lilabai Gangaram Patil & others

.....Respondents

.....

Mr. T. K. Sant, Advocate for the Petitioner.

Mr. S. B. Jadhav, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th JANUARY, 2025.

PER COURT :

1. This Petition takes exception to order dated 14.05.2024 passed by the Additional Collector, Jalgaon, refusing to entertain appeal filed by the Petitioner under Section 16(1) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. It is observed by the said authority while rejecting entertainment of appeal that the Act provides remedy only for senior citizens to file appeal. Learned counsel appearing on behalf of Petitioner submits that this observation is not tenable in the eyes of law in view of law settled by Division Bench of this Court in Writ

Petition No. 36/2023 in case of Jagdish Pitamber Pawar vs. Pitamber Pundalik Pawar and others.

3. Learned AGP concedes the position of law as settled by this Court.

4. Since the impugned order is passed by the concerned authority in ignorance of law settled by this Court and since entertainment of appeal would not cause prejudice to Respondent No. 1, notice to Respondent No. 1 stands dispensed with.

5. In view of judgment of Division Bench of this Court in case of Jagdish Pitamber Pawar vs. Pitamber Pundalik Pawar (supra), it is open for the children/relatives of senior citizens to prefer appeal under Section 16 of the Act. As such, the impugned order cannot sustain. Hence, the same is set aside. The Additional Collector, is directed to entertain the appeal and decide the same in accordance with law.

(R. M. JOSHI)
Judge