



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1081 OF 2024

Ashvini Sugar Burungule And Another
VERSUS
Nivrutti Sayaji Burungule And Others

- Mr. R. R. Kazi, Advocate for the Petitioner
- Mr. K. N. Shermale, Advocate for Respondent Nos. 1 and 2
- Mr. S. N. Kendre, AGP for the Respondent No. 3/State

CORAM : R. M. JOSHI, J

DATE : MARCH 17, 2025

PER COURT :

1. This Petition takes exception to the impugned order on the ground that the Collector has refused to entertain the Appeal filed under Section 16(2) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 filed by the Petitioners on the ground that the same has not filed by the senior citizen.

2. Learned Counsel for the Petitioners has placed reliance on the order passed by the Division Bench of this Court in case of Jagdish Pitamber Pawar vs. Pitamber Pundalik Pawar and Others, Writ Petition No. 36/2023, dated 29.11.2023.

3. Learned Counsel for contesting Respondents

supported the impugned order by placing reliance on the judgment of Division Bench of this Court in case of *Dinesh Bhanudas Chandanshive vs. The State of Maharashtra and Others, Writ Petition No. 7392/2021*, dated 30.01.2024 and the judgment of Division Bench of Karnataka High Court in case of *Sri. K. Lokesh vs. The Bangalore District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Others*, dated 20.12.2024. He also places reliance on the judgment of Hon'ble Supreme Court in case of *S. Kasi vs. State, Criminal Appeal No. 452/2020*.

4. The Division Bench judgment of parent Court binds this Court and not the judgment of Karnataka High Court. Hence, this Court finds no reason to take into consideration the judgment in case of *Sri. K. Lokesh* (supra). As far as the judgment of Hon'ble Supreme Court in case of *S. Kasi* (supra), no doubt lays down the basis principle that when there is a judgment in the field, subsequent judgment cannot take a contrary view and Court is required to refer the issue to larger bench. Hence, this judgment has no relevance to the facts of the present case. In case of *Dinesh Bhanudas*

Chandanshive (supra), though there is a passing reference is made with regard to the issue in question. However, the said issue has not been dealt with and decided conclusively therein. Hence, all these judgments have no application to the present case.

5. By following judgment in case of Jagdish Pitamber Pawar (supra), the Petition stands allowed. Appeal is relegated back to the Collector. Collector, Ahmednagar is directed to entertain the Appeal and decide the same in accordance with law, as expeditiously as possible.

6. Interim relief to continue for a period of two weeks from today. It is open for the parties to seek fresh relief from the Collector, if case is made out.

(R. M. JOSHI, J.)