

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.14585 OF 2024**

Vinodkumar Mishra

**...Petitioner**

**V/s.**

Additional Collector and Ors.

**...Respondents**

**Induprakash Tripathi** *i/b. Mr. Virendra Tripathi for the*  
*Petitioner.*

**Mr. P.V. Nelson -Rajan,** *AGP for Respondent Nos.1 and 2-State.*

**Mr. Samir Sarambulkar** *for Respondent No.3.*

**CORAM: SANDEEP V. MARNE, J.**

**Dated: 25 April 2025.**

**P.C.:**

1) Petition challenges order dated 5 June 2024 passed by the Maintenance Tribunal under the Maintenance and Welfare of Senior Citizens Act, 2007 (**Act of 2007**) directing the Petitioner to pay to the father- Respondent No.3, maintenance of Rs.3,000/- per month as well as to handover possession of both the properties to the father- Respondent No.3. Order passed by the Maintenance Tribunal has been upheld by the Appellate Authority by order dated 11 September 2024, which is also subject matter of challenge in the present Petition.

2) I have heard Mr. Tripathi, the learned counsel appearing for the Petitioner, Mr. Sarambulkar, the learned counsel appearing for Respondent No.3 and Mr. Nelson-Rajan, learned AGP for Respondent Nos.1 and 2-State.

3) Mr. Tripathi, at the very outset points out that Petitioner does not have any qualms about paying monthly maintenance of Rs.3,000/- to Respondent-father. This willingness is in fact recorded by this Court while issuing notice on 25 October 2024. Thus, there is no serious challenge on the part of the Petitioner to that part of the order passed by the Maintenance Tribunal, which directs him to pay Respondent No.3-father monthly maintenance of Rs.3,000/-.

4) So far as direction for handing over possession of two properties by the Petitioner to Respondent No.3 is concerned, it appears that Petitioner himself is a senior citizen. Petitioner's date of birth is 4 July 1964 and accordingly Petitioner himself has crossed the age of 60 years and would be 'senior citizen' under Section 2(h) of the Act of 2007. In ***Vimal Dagadu Kate & Anr. V/s. State of Maharashtra and Ors.***<sup>1</sup> this Court has taken a view that jurisdiction of Maintenance Tribunal under the Act of 2007 cannot be invoked by one senior citizen against another senior citizen. In my view, therefore, in the present case as well Maintenance Tribunal could not have exercised jurisdiction against the Petitioner by directing him to vacate

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<sup>1</sup> Writ Petition No.882 of 2024 decided on 10 March 2025

possession of the two properties and hand them over to the third Respondent, since Petitioner is also a senior citizen. The third Respondent will have to institute necessary civil proceedings against Petitioner for recovery of possession of the two properties. In that view of the matter, part of the order passed by the Maintenance Tribunal directing handing over of possession of two properties by Petitioner to third Respondent will have to be set aside.

5) I accordingly proceed to pass the following order:

- (i) Petition is partly allowed.
- (ii) Order dated 5 June 2024 passed by the Maintenance Tribunal to the limited extent that it directs Petitioner to handover possession of two properties to third Respondent-father is set aside.
- (iii) However, direction issued to the Petitioner to pay monthly maintenance of Rs.3,000/- to the third Respondent shall continue to operate.
- (iv) Third Respondent-father shall be at liberty to initiate appropriate civil proceedings for recovery of possession of two properties from the Petitioner.

6) With the above directions, Petition is disposed of.

**[SANDEEP V. MARNE, J.]**