

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7923 OF 2025

Amit Pradyuman Bhankaria & Anr. ... Petitioners
Versus
State of Maharashtra & Ors. ... Respondents

Adv. Manjula Rao, Senior Advocate, M. A. Khan and Deepti Mehta for the Petitioners.

Mr. J. P. Patil, AGP for Respondent No.1.

Mr. Rohaan Cama a/w Shanay Shah, Sita Kapadia, Shashwat Rai and Mrinali Dave i/by Keystone Partners for Respondent No.2.

CORAM: MANISH PITALE, J.

DATE : 25th JUNE 2025

P.C. :

. This writ petition is filed directly against an order dated 25th April 2025 passed by the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby the Tribunal has directed the petitioners to handover possession of the subject premises to the senior citizen.

2. A Division Bench of this Court in the case of *Jagdish Pitamber Pawar v/s. Pitamber Pundalik Pawar* (order dated 29th November 2023 passed in Writ Petition No. 36 of 2023), on a reference answered a specific question with regard to filing of appeals under Section 16 of the said Act. The question has been answered by holding that an appeal under Section 16 of the said

Act would be maintainable, even at the instance of the children and relatives.

3. In the present case, the petitioners are son and daughter-in-law of the senior citizen and in the light of the law clarified by Division Bench of this Court in the said judgment, the petitioners have a substantive alternative remedy of filing appeal before the Appellate Authority.

4. Only on this short ground, the writ petition is disposed of, by granting liberty to the petitioners to approach the Appellate Authority to challenge the impugned order.

5. This Court has made no observations on the merits of the matter.

6. If the appeal is filed within two weeks from today, the same shall be decided on or before 14th August 2025.

MANISH PITALE, J.