

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8032 OF 2025

Mangesh Prabhakar Mali ... Petitioner
Vs.
Shobha Prabhakar Mali and another ... Respondents

Mr. Prasad Kulkarni a/w. Mr. Amol Kanaki for Petitioner.
Mr. Shardul Diwan for Respondent No.1.
Mr. P. V. Nelson-Rajan, AGP for Respondent No.2.

CORAM : MANISH PITALE, J.
DATE : JUNE 23, 2025

P.C. :

- . Heard Mr. Kulkarni, learned counsel for the petitioner.
2. By this petition, the petitioner has challenged concurrent orders passed by the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2017 and the Appellate Authority constituted thereunder.
3. The principal contention raised on behalf of the petitioner is that, even according to the respondent No.1, her age at the time of filing the application / complaint before the Tribunal was 55 years, and therefore, she was not covered under the definition of 'senior citizen' as per Section 2(h) of the said Act. This aspect goes to the very root of the matter and maintainability of the application filed on behalf of the respondent No.1 before the Tribunal.
4. Such an objection was taken, on behalf of the petitioner, but the Tribunal did not refer to the same, while the Appellate Authority in the impugned order held in favour of the respondent No.1 only by referring to the definition of 'parent' under Section 2(d) of the said Act.

5. It is relevant to note that Section 4 pertaining to maintenance applications as also Section 23 thereof pertaining to declaring certain transfers of property as void open with the words 'senior citizen'. In such circumstances, the petitioner has made out a strong *prima facie* case in his favour to contend that the application filed by the respondent No.1 before the Tribunal under the provisions of the said Act was itself not maintainable and that therefore, the impugned orders deserve to be set aside.

6. Issue notice for final disposal, returnable on 07.08.2025.

7. Mr. Diwan, learned counsel waives notice on behalf of the respondent No.1. Mr. Nelson Rajan, learned AGP waives notice on behalf of the respondent No.2.

8. Reply affidavits, if any, be filed within three weeks from today.

9. In the meanwhile, there shall be ad-interim stay in terms of prayer clause (c).

(MANISH PITALE, J.)

Minal Parab