



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10024 OF 2025

Dinesh Ramesh Phatak ... Petitioner
V/s.
Additional Collector Appellate ... Respondents
Authority and Ors.

Mr. Harshad S. Rajeshirke with Tejasvi A. Salvi and Saurabh Rajeshirke, for the petitioner.
Ms. M.S. Srivastava, AGP, for the State.
Mr. Enait Shaikh, for the respondent no. 5.

CORAM : N.J. JAMADAR, J.
DATE : 23rd JULY 2025.

PC:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 10th July 2025 passed by the Appellate Authority under the Maintenance and Welfare of the Senior Citizens Act, 2007, whereby the appeal preferred by the petitioner -original respondent came to be disposed, observing that the appeal preferred by the senior citizen only is maintainable under section 16 (1) of the said Act, 2007.
3. The learned counsel for the petitioner invites attention of this

Court to the Division Bench judgment in the case of *“Jagdish Pitamber Pawar vs. Pitamber Pundalik Pawar and Ors”*¹, whereby the reference has been answered to the effect that an appeal under Section 16 of the Act, 2007, would be maintainable even at the instance of any of the children or relatives.

4. Learned counsel for the respondent nos. 3 and 5 submits that in view of the aforesaid position in law, the appeal be restored to the file of the Appellate Authority for a fresh decision in accordance with law.

5. In view of the aforesaid submissions and decision of this Court in the case of *Jagdish Pawar*’ (supra), the impugned order cannot be sustained. The petition, thus, stands allowed.

6. The impugned order stands quashed and set aside.

7. The appeal preferred by the petitioner i.e. Appeal No. 8 of 2025 stands restored to the file of the Appellate Authority for a fresh decision in accordance with law.

8. The parties shall appear before the Appellate Authority on 1st August 2025.

9. The Appellate Authority shall make an endeavour and decide the

1 W.P. 36 of 2023 of Bombay H.C. at A’bad bench.

appeal as expeditiously as possible and preferably within a period of two months from the date of the appearance of the parties.

10. The petition stands disposed.

11. The order passed by the Tribunal shall remain stayed for a period of four weeks from today. In the meanwhile, the petitioner is at liberty to move the Appellate Authority for a stay to the execution, operation, and implementation of the order passed by the senior citizen.

(N.J. JAMADAR, J)