



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10222 OF 2025**

Percy Farokh Patel and Anr. ... Petitioners
versus
Appellate Authority and Ors. ... Respondents

Mr. Vaibhav Ghogare with Mr. Sarvesh Gawade, Mr. Suraj Ghogare i/by Mr. Manish Singh, for Petitioner.
Mr. Bapusaheb Dahiphale, AGP for Respondent No.1.

CORAM: N.J.JAMADAR, J.

DATE : 29 JULY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The Petitioners have filed an appeal before the Appellate Authority aggrieved by the order passed by the Parents and Senior Citizens Tribunal under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. By the impugned order, the Appellate Authority has dismissed the Appeal on the premise that only the senior citizens are entitled to prefer an appeal under Section 16(1) of the said Act, 2007. The Appellate Authority has, thus, not entered into the merits of the matter.
3. In the case of **Jagdish Pitamber Pawar V/s. Pitamber Pundalik Pawar and Ors.**¹, this Court has held that the appeal under Section 16 of the Act, is maintainable even at the instance of any of the children or relatives of the senior citizen.

¹ WP No.36 of 2023 dated 29 November 2023 (Aurangabad)

4. The aforesaid being the position in law, the impugned order cannot be sustained.
5. The Writ Petition, thus, stands allowed.
6. The impugned order dated 17 July 2025 stands quashed and set aside.
7. Appeal No.13 of 2025 stands restored to the file of Appellate Authority.
8. The Appellate Authority shall decide the appeal on its own merits and in accordance with law.
9. The Petitioners shall appear before the Appellate Authority on 4 August 2025. The Appellate Authority shall consider and decide the prayer of the Petitioners for interim relief, in accordance with law.
10. The Writ Petition stands disposed.

(N.J.JAMADAR, J.)