IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15099 OF 2025

Omkar Shashikant Vyawahare ..Petitioner

Versus

Bhikaji Vishnu Vyawahare (since deceased) and …Respondents
Prabhavati Vishnu Vyawahare (since deceased)
Through Sanjay Bhikaji Vyawahare & Ors

Mr. Tejas Shrikrishna Bhide, with Hrishikesh Ambre, for the Petitioner.
Smt. V. S.Tendulkar, APP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.
DATE : 13th NOVEMBER 2025

P.C.:

1. Heard the learned Counsel for the Petitioner.

2. The Petitioner assails an order passed by the Maintenance Tribunal on 19th May 2025 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (“the Act, 2007”). The Petitioner has preferred an Appeal before the Appellate Authority under Section 16 of the Act, 2007. By a communication dated 31st July 2015, the Appellate Authority has informed the Petitioner that the Appeal is not tenable.

ARUN RAMCHANDRA SANKPAL

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3. In view of the Division Bench judgment of this Court, **Jagdish Pitambar Pawar Vs Pitambar Pundalik Pawar & Ors,**[1] an appeal before the Appellate Authority at the instance of the children of the senior citizen is also tenable.

4. Hence the communication dated 31st July 2025 stands set aside and the Appeal preferred by the Petitioner against the order passed by Maintenance Tribunal dated 19th May 2025 stands restored to the file of the Appellate Authority.

5. The Appellate Authority is requested to hear and decide the said Appeal in accordance with law.

6. The learned Counsel for the Petitioner submits that in the intervening period the senior citizen and his wife have passed away. The Appellant is at liberty to take out an appropriate Application before the Appellate Authority, for amendment in the Appeal Memo.

7. All contentions of all the parties are kept open for adjudication before the Appellate Authority.

8. Petition disposed.

[N. J. JAMADAR, J.]

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1 Writ Petition No. 36 of 2023, dated 29th November 2023.