

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15478 OF 2025

Priya Tanaji Kumbhar and ors.

...Petitioners

Versus

State Of Maharashtra Through its
Principal/ Additional Secretary

...Respondent

Mr. Himanshu Patil, for the Petitioners.

Smt. S. D. Chipade, AGP, for the State – Respondent.

Ms. Sonali Humane, a/w Anita Gurgude, i/b Ranjana
Todankar, for Respondent No.5.

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2025.11.21
20:32:15 +0530

CORAM: N. J. JAMADAR, J.

DATED: 20th NOVEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order dated 6th October, 2025 passed by the Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
3. The learned Counsel for the petitioners submits that the petitioners had preferred Writ Petition No.9919/2025, assailing the order passed by the Maintenance Tribunal. The said petition was disposed by this Court by an order dated 23rd July, 2025, which reads as under:

“1. Heard the learned counsel for the petitioners.

2. In view of the decision of this Court in the case of *Jagdish Pitamber Pawar vs. Pitamber Pundalik Pawar and Ors*”, the petitioners have an efficacious remedy of preferring an appeal before the Appellate Authority.

3. Keeping open the liberty to file such an appeal, the petition stands disposed.”

4. The petitioners, therefore, preferred the appeal before the Appellate Authority and by the impugned communication dated 6th October, 2025 the Appellate Authority has disposed the appeal observing that appeal is maintainable at the instance of senior citizen or parents, only.

5. When this Court had disposed Writ Petition No.9919/2025 with an observation that in view of the decision of the Division Bench of this Court in the case of *Jagdish Pitambar Pawar vs. Pitambar Pundalik Pawar*¹, the petitioners have efficacious remedy to prefer an appeal before the Appellate Authority, the Appellate Authority ought to have entertained, heard and decided the appeal. If the Appellate Authority was of the view that the appeal was not maintainable, the Appellate Authority could have dealt with the decision in the case of *Jagdish Pawar* (supra), referred to in the aforesaid order, and then decided the matter.

6. In these circumstances, the petition stands disposed with a direction to the Appellate Authority to hear and decide the appeal preferred by the petitioners.
7. The appeal stands restored to the file of the Appellate Authority.
8. The learned AGP is requested to communicate this order to the Appellate Authority alongwith copy of the judgment in the case of *Jagdish Pawar* (supra).
9. The parties shall appear before the Appellate Authority on 1st December, 2025.
10. The Appellate Authority is requested to hear and decide the appeal as expeditiously as possible.
11. In the meanwhile, no action be taken in pursuance of the letter dated 7th November, 2025 till 15th December, 2025. During the said period, the petitioners – appellants shall be at liberty to file an application for stay to the execution of the order passed by the Maintenance Tribunal, before the Appellate Authority.
12. If such an application for stay is filed, the Appellate Authority shall decide the same.

[N. J. JAMADAR, J.]