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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3646 OF 2025

Jitendra Gorakh Megh

... Petitioner

V/s.

1. The Presiding Officer,

Parents and Senior Citizens Maintenance

Tribunal and Sub Divisional Officer and Anr.

... Respondents

WITH

INTERIM APPLICATION NO. 5286 OF 2025

IN

WRIT PETITION NO. 3646 OF 2025

Mr. Jitendra Megh, Applicant / Petitioner present.

Ms. Eesha Jaifalkar i/b Mr. S. R. Page for Respondents.

Mr. Gorakh Megh, Respondent No.2 present.

**CORAM : R.I. CHAGLA AND
FARHAN P DUBASH, JJ.**

DATE : 22nd SEPTEMBER 2025

ORDER :

1. By this Writ Petition, the Petitioner has sought for stay on the operation, execution and implementation of impugned Order dated 26th August 2025 passed by the Senior Citizens Tribunal. Further, prayer is sought restraining the Respondents including the authorities and / or police

department, from disturbing and/or interfering with the Petitioner's peaceful possession of Bungalow No.30, Four Bungalow, Mhada, SVP Nagar, Andheri West, Mumbai – 400053, pending the disposal of this Petition. There appears to be one prayer which is final namely issue an order or directions quashing and setting aside the impugned order dated 26th August 2025 passed by the Senior Citizen Tribunal under the MWPSA Act, 2007 in Case No.SR/49/2024.

2. There is an alternate remedy of appeal available to the Petitioner. It has been held by the Division Bench of this Court vide Order dated 29th November 2023 in **Jagdish Pitamber Pawar V/s. Pitamber Pundalik Pawar and Ors.** - Writ Petition No.36 of 2023, that an Appeal under Section 16 of the Act would be maintainable even at the instance of any of the children or relatives of the Senior Citizens. The reference has been made to a bill for amending the provisions of the Act viz. Maintenance and Welfare of Parents and Senior Citizens Amendment Bill 2019, (Bill No.374 of 2019) which seeks to amend Section 16 to the effect that the right of appeal is made available even to the children or relatives. Section 14 of the Amendment Bill has provided for such amendment.

3. The decision of the Division Bench has been followed by Learned Single Judge of this Court in **Abhijit Gajanan Paranjpe V/s. The Office of The Presiding Officer Parents and Senior Citizen Welfare Tribunal and Another** in Writ Petition No.7099/2024 - Order dated 13th December 2024.

4. In view of there being an alternate appellate remedy available under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, this Writ Petition is required to be dismissed on this ground. The Petitioner is granted liberty to avail the alternate remedy before the Appellate Authority under Section 16 of the said Act.

5. It is for the Appellant Authority to consider the grant of interim relief in the event such appeal is filed by the Petitioner. It is made clear that this Court has not considered the Writ Petition on merits and the Appellate Authority shall in the event an appeal is filed consider the Interim relief as sought for in this Writ Petition on its own merits and in accordance with law.

6. The Writ Petition is accordingly disposed of.

7. There shall be no order as to costs.

8. In view of the Writ Petition is disposed of, Interim Application filed therein does not survive and is accordingly disposed of.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)