



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 3157 of 2025

[Vaishali w/o Vidyabhushan Paswan and anr. ..vs.. Smt. Sumitra wd/o Madhav Pudke]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. B. N. Gavhale, Advocate for the petitioners

CORAM : ANIL L. PANSARE J.

DATED : 26-06-2025

Heard.

2. Petitioner no. 1 is adopted daughter of respondent and late Shri Madhav Jaysingh Pudake. Petitioner no. 2 is son-in-law of the respondent. The petitioners are aggrieved by the concurrent findings rendered by the Sub Divisional Officer (SDO), Wardha and by the Appellate Tribunal in Appeal No. 3/2025.

3. The respondent approached SDO under Section 9 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act of 2007') with a prayer to direct the petitioners to pay her maintenance and further to evict them from the premises under question. The SDO noted that the house under question consists of two bedrooms, one hall, one dining hall, kitchen and also two rooms towards outer side. He then referred to various proceedings between the parties. The SDO then noted that the respondent is a senior citizen and is being not allowed to live peacefully in the house which was self acquired property of her husband and considering the strained relations, allowed the appeal and directed petitioners to vacate the property.

4. The petitioners approached the first Appellate Tribunal, which considered the material placed before it and

held that respondent is a senior citizen and is suffering physical and mental harassment and is required to reside with her relatives and that the petitioners have failed to extend daily needs to the respondent. They have not even paid electricity bill and, therefore, the respondent was required to reside without electricity. The appellate authority further noted that both the parties have filed proceedings under the provisions of the Protection of Women from Domestic Violence Act, 2005. The Tribunal then rendered a categorical finding that the circumstances are such that both the parties cannot reside separately in the property under question. Accordingly, taking aid of provisions of the Act of 2007, the Tribunal dismissed the appeal.

5. The petitioners, in the memo of petition have referred to various proceedings pending before the Courts below and stated that the respondent is receiving pension at Rs. 22,000/- approximately. According to petitioners, they have installed solar power system and is paying electricity bill regularly. However, neither in the grounds nor in the argument, learned counsel for the petitioners could show that the arrangement could be made to permit both sides to reside together.

6. Considering the insistence of the petitioners to reside in the premises under question, I asked learned counsel for the petitioners to take instructions from her clients as to whether petitioners are ready to make provision for appropriate rental accommodation for respondent, the counsel did not come with any proposal. In the circumstances, findings by both the authorities below, particularly that the parties cannot reside separately in the premises under question because of the strained relations and considering the aim and object and provisions of the Act of 2007, I do not find any perversity in the

impugned order. This is not a fit case where the extraordinary jurisdiction should be invoked. The petition is accordingly dismissed with no order as to costs.

(Anil L. Pansare, J.)

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