



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5230/2024

Smt. Anjum Parveen w/o Abdul Rauf
Vs.
Smt. Malika wd/o Shaikh Maohjan

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

Court's or Judge's orders

Shri Rohan Bhishikar, Advocate for petitioner
Shri A.M. Chandekar, Advocate a/w Shri S.N. Singh, Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 30/01/2025

Heard learned Counsel for both the parties.

2. It appears that the petitioner/daughter-in-law filed appeal before the Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, she is unable to say whether it is withdrawn or pending. In view of the endorsement, it appears that in the appeal, there is endorsement of receipt of appeal by the District Magistrate to the Appellate Authority. It is the contention of the petitioner that appeal would lie in view of Section 16 only at the instance of parents.

3. However, learned Counsel for respondents placed reliance on judgment in the case of *Jagdish Pitamber Pawar Vs. Pitamber Pundalik Pawar and ors. in Writ Petition No.36/2023* dated 29.11.2023, of this Court Bench at Aurangabad, wherein there is

reference of bill pending before the parliament, there is proposed amendment of Section 16 to the effect that the right of appeal is made available even to the children or relatives.

4. Both the parties are at liberty to convince the Appellate Authority about entitlement. As such, petition is dismissed.

5. The learned Counsel for petitioner to take appropriate steps to proceed with the appeal.

6. The learned Appellate Tribunal is hereby directed not to entertain the appeal till 50% of arrears are cleared by the appellant within four weeks.

JUDGE

R.S. Sahare