



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

WRIT PETITION NO. 5476 OF 2025

Sumit @ Neeraj Dilipkumar Jaiswal, Age:43 years, Occ: Nil,
R/o A-5, Mahyco Colony, Post Office Road, Jalna-431203.

PETITIONER

VERSUS

1. Shama @ Chhama @ Kshama Dilipkumar Jaiswal,
C/o Sujata Amrish Jaiswal, Age : Major, Occ: Nil,
R/o 22/7 Hari raj Vaidya, Ujwal Nagar, Wardha Road,
Nagpur.
2. Sub Divisional Officer, Nagpur, City Room No.1, Tahsil
Office, Nagpur City, Civil Lines, Nagpur – 440001.
3. Existing District Maistrate, Nagpur, R/o: Collector
Office, Civil Lines, Nagpur, Resident Deputy Collector
Office, Collectorate Nagpur, Maharashtra - 440001.

RESPONDENTS

Shri Nikhil D. Jaiswal, counsel for the petitioner.
Smt. Pallavi Khaprikar, counsel, counsel for the respondent no.1.
Shri N.S. Autkar, Assistant Government Pleader for the respondent nos.2 and 3.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : NOVEMBER 21, 2025

DATE ON WHICH JUDGMENT IS PRONOUNCED : DECEMBER 19, 2025

JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. This matter arising out of the proceedings under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007') pertains to a challenge raised by a son against his mother by assailing the order dated 07.07.2025 passed by the appellate Tribunal dismissing his appeal on the ground of inordinate delay. The Tribunal has refused to condone the delay of 1238 days occurred in filing the appeal challenging the order dated 10.07.2019 passed by the Sub-Divisional Officer in favour of the senior citizen.

3. The petitioner is the son of the respondent no.1 with whom he has strained relations. The respondent no.1 had initially initiated proceedings before the Tribunal under the Act of 2007 i.e. before the Sub-Divisional Officer, Nagpur by invoking Sections 7 and 21 of the Act of 2007 against the petitioner. In her application, she had alleged that her husband had expired on 15.12.2015 leaving behind several properties from which her son used to get lot of income by way of rent. During the lifetime of her husband also, her son, petitioner herein, had taken disadvantage of his ill health and committed financial misdeeds. She alleged that because of the mischievous conduct of her son, she left her original residence at Jalna and shifted to Nagpur where she started residing with her daughter. Under these circumstances, she filed an application against her son before the Tribunal seeking maintenance and by order dated 10.07.2019, the Tribunal directed the petitioner herein to pay maintenance of Rs.10,000/- per month from the date of the order. In this background, the petitioner filed an appeal before the appellate Tribunal, the Collector, Nagpur, by assailing the order dated 10.07.2019 passed by the Tribunal. Since the appeal was delayed by a period of about 1238 days, he also prayed for condonation of delay. The Appellate Tribunal considered contentions of the petitioner and passed order dated 07.07.2025 thereby refusing to condone the delay and resultantly the appeal stood dismissed. The petitioner has challenged this order by way of instant petition.

4. The learned counsel for the petitioner submitted that there existed no material to prove that the petitioner failed to maintain the respondent

no.1 or caused any mental harassment to her. He submitted that the allegations made by the respondent no.1 were totally false and without any reason the respondent no.1 left his company and shifted to Nagpur. He submitted that at the instance of her daughter, the mother made serious allegations against the petitioner and there existed no cause of action to initiate any proceedings under the Act of 2007. As regards the ground for delay in filing the appeal, he submitted that the petitioner was not aware about the legal provisions with respect to filing an appeal in time and therefore there was sufficient cause for condonation of delay in filing the appeal.

5. As against this, the learned Assistant Government Pleader for the respondent nos.2 and 3 as well as learned counsel for the respondent no.1 strongly opposed the petition and submitted that the petitioner has attempted to mislead the Authorities by presenting a concocted story. The learned counsel for the respondent no.1 submitted that the entire conduct on the part of petitioner had resulted in lot of harassment and financial hardship to the respondent no.1. She submitted that only with an intention to avoid his liability, the petitioner had filed an appeal before the appellate Tribunal. She also submitted that there existed no sufficient cause at all since the petitioner was contesting other proceedings including the writ petition before this Court and cannot claim that he had no knowledge of the legal provisions.

6. While considering rival contentions, it has to be seen that there is a serious dispute in between the son and his mother, who have made serious

allegations against each other. The grounds raised by the petitioner in the petition are mainly with respect to the allegations against the respondent no.1 and his sister with whom the respondent no.1 is residing. The grounds raised in the petition do not demonstrate any reasons for explaining the inordinate delay of 1238 days in filing the appeal before the appellate Tribunal. Pertinently, the appellate Tribunal has passed the impugned order by refusing to condone the delay and by elaborately considering the contentions raised before it seeking condonation of delay. A perusal of the impugned order shows that the appellate Tribunal has referred to the proceedings contested by the petitioner after the order dated 10.07.2019 was passed by the Tribunal. It has been observed that after the order was passed by the Tribunal, the respondent no.1 had filed an appeal seeking enhancement of the amount of maintenance which was contested by the petitioner and the request for enhancement was rejected. This order was challenged before this Court *vide* Writ Petition no.3647 of 2023 which was also contested by the petitioner and the same was decided by order dated 05.12.2023. In view of these litigations, the appellate Tribunal has observed that the petitioner was very much contesting the litigations and cannot contend that he had no knowledge of law.

7. The counsel for the petitioner as well as respondent no.1 advanced their arguments mainly on the basis of allegations levelled against each other. Although there is an inordinate delay on the part of the petitioner in filing the appeal to the extent of 1238 days i.e. almost more than three years however, there are absolutely no convincing reasons seeking

condonation of this delay. Apart from this, it is crucial to note that the controversy involved in the petition is with respect to the right of maintenance asserted by the senior citizen, the respondent no.1 against her son. The Tribunal has passed the order granting maintenance in favour of the senior citizen which was attempted to be challenged by the son by filing an appeal before the appellate Tribunal. Under these circumstances, the attempt on the part of the petitioner-Son to challenge the order of maintenance of Rs.10,000/- per month directed to be paid to his mother itself demonstrates the quarrelsome attitude of the son. Having regard to the object and purpose behind the legislation to protect the interest of the senior citizens, the approach adopted by the appellate Tribunal in refusing to condone the delay appears to be sound and reasonable. A perusal of the impugned order shows that the appellate Tribunal has also considered the factual aspects of the matter relating to allegations levelled by the parties against each other and has also given due consideration for the reasons for delay. On a careful consideration of the controversy involved and the impugned order, there appears no perversity requiring any interference in the petition.

8. The learned counsel for the petitioner by relying upon the judgment of the Madras High Court in *M. Venugopal Versus The District Magistrate cum District Collector, Kanyakumari District* [2015(1) DMC 202] submitted that the provisions of the Act of 2007 also confers a right of appeal upon the son/daughter. He submitted that the Madras High Court has clarified the position of law by considering Section 16 of the Act of

2007 that right of appeal is also available to the aggrieved son or daughter or relative and therefore submitted that the petitioner herein was entitled to assert his right by way of appeal on merits. In the instant case, it has to be seen that the appeal filed by the petitioner came to be dismissed for absence of any sufficient cause to explain the inordinate delay of 1238 days. As such, the judgment of the Madras High Court is not of any assistance to the petitioner.

9. Having regard to the above mentioned factual and legal aspects, no indulgence is warranted under Article 227 of the Constitution of India with the impugned order. The writ petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)