



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 WRIT PETITION NO.938 OF 2026

Ashok Laxman Avhad

VERSUS

Laxman Baburao Avhad And Others

...

Advocate for Petitioner: Mr.Bharatkumar Nukte & R H Mewara

AGP for Respondents: Mr. V.M. Lomte

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 29, 2026

FINAL ORDER :-

1. The petitioner impugns the order dated 6.6.2025 passed by the District Collector, Ahilyanagar in case No. SR/DC9K/13/2024 whereby, order dated 15.7.2024 passed by Sub Divisional Officer, Ahmednagar in Kavi/Fouj/SR-25/2023 has been confirmed.

2. Respondent no.1, who is father of petitioner instituted proceeding for grant of maintenance under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short Act of 2007) before the Sub Divisional Officer, Ahmednagar. The learned Sub Divisional Officer after considering rival contentions allowed application and granted maintenance in favour of respondent no.1. Aggrieved petitioner filed appeal no.SR/DC9K/13/2024 before the

District Collector, Ahilyanagar under section 16 of the Act of 2007. District Collector dismissed the appeal and directed petitioner and respondent no.3 to pay maintenance of Rs.4,000/- p.m. in addition to maintenance of Rs.2,000/- p.m. payable by respondent no.2. Respondent no.2 has been further directed to provide necessary care and residence to respondent no.1.

3. Relationship between parties is undisputed. It is not in dispute that respondent no.1 is father of petitioner and respondent nos.2 and 3. In light of object of Act of 2007 aging has become a major social change and need was felt to give more attention to care and protection of older persons. Accordingly, provisions have been incorporated in the Statute. Obligation is sought upon childrens to maintain his/her parents. Accordingly, respondent no.2 had applied under section 5 of the Act for grant of maintenance. The S.D.O. as well as District Collector concurrently held that respondent no.1-senior citizen needs care and protection of maintenance from his sons. Accordingly, directions for payment of maintenance and care have been issued.

4. The only submissions advanced by learned advocate appearing for petitioner is that, because there is civil dispute as regards to partition of properties, present proceeding has been initiated on instigation of his brothers. The aforesaid submission cannot be countenanced when order of maintenance payable to respondent no.1-father has been made against all the children.

5. In that view of the matter, no case is made out to cause interference under Article 227 of the Constitution of India. In the result, writ petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)

...