



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2296 OF 2026**

**SUSHMA ABHIJIT GORANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SUB DIVISIONAL
OFFICER AND OTHERS**

...
Mr. T. K. Sant h/f Mr. C. R. Deshpande, Advocate for the
Applicant.

Mr. S. D. Ghayal, APP for Respondent-State.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 27th FEBRUARY, 2026.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The petitioner impugns order dated 28.01.2026 passed by respondent no.1-Sub Divisional Officer, Dhule in Application No.40/2025 under Section 5 and 9 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'Act of 2007').
3. Mr. Sant, learned Advocate holding for Mr. Deshpande, learned Advocate appearing for petitioner submits that impugned order is passed on 28.01.2026. The petitioner had approached District Collector, Dhule for filing Appeal against order impugned. However, his Appeal was not accepted giving reasons that under Section 16 of Act of 2007 children or any one else except senior citizen is not entitled to file Appeal. Relying upon judgment of Division Bench of this Court in case of ***Jagdish Pitamber Pawar Vs. Pitamber Pundalik Pawar (Writ Petition No.36/2023***

decided on **29.11.2023**) he submits that issue is no more *res-integra*. It is well settled that Appeal can be filed even by children against order passed by Sub Divisional Officer. He would, therefore, urge to grant limited protection to petitioner with direction to Appellate Authority to consider his Appeal and application for interim stay.

4. Mr. Ghayal, learned AGP appearing for respondent-State accepts legal position as per decision of Division Bench of this Court.

5. The issue as to maintainability of Appeal under Section 16 of Act of 2007 has been considered and decided by Division Bench of this Court holding that Appeal under Section 16 of Act would be maintainable even at the instance of any of the children or relatives. It is, therefore, incumbent upon Appellate Authority to accept Appeal even filed by children and decide same in accordance with law.

6. In that view of matter, present Writ Petition is disposed of with direction to Appellate Authority to accept Appeal, if tendered by petitioner within period of one week from today.

7. On presentation of Appeal, Appellate Authority shall consider application for interim relief.

8. Till presentation of Appeal and decision on application for interim relief by Appellate Authority, there shall be interim stay to execution and implementation of order dated 28.01.2026 passed in Application No.40/2025 by respondent no.1.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2026