

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13401 OF 2024

Sanjivani Sagar Navalkar

....Petitioner

Versus

Presiding Officer of the
Maintenance And Welfare Of
Parents & Sr. Citizens & Ors.

....Respondents

Mr. Girish Paryani *i/b. A & B Legal Associates LLP, for Petitioner.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 20, 2026

ORDER :

1. This Petition impugns an Order dated May 22, 2024 passed by the Learned Sub Divisional Magistrate, Senior Citizen Welfare Tribunal, Thane (***“Impugned Order”***).

2. The Impugned Order directs payment of maintenance in the sum of Rs.10,000 per month by the Petitioner to Respondent Nos. 2 & 3, who are in fact the mother-in-law and father-in-law of the Petitioner (collectively, ***“Respondent Nos. 2 & 3”***). The Petitioner's husband passed away.

3. Despite notice on several occasions, none appears for the Respondents.

4. Learned Advocate for the Petitioner points to the original application filed by Respondent Nos. 2 & 3 before the Learned Tribunal, which had sought the relief of a joint disposal of the jointly occupied residential premises and distribution of the respective shares between Respondent Nos. 2 & 3 and the Petitioner. It is the submission of the Petitioner that such sale indeed took place and the sale proceeds from such sale have indeed been received by Respondent Nos. 2 & 3 which is potentially why they are not appearing in these proceedings to confirm the same.

5. Towards this end, an additional affidavit confirming the same was called for. An additional affidavit dated December 16, 2025 was filed bringing on record the details of purchase of the jointly occupied residential premises by Mrs. Minakshi Jain and Mr. Ravinder Jain. After examining the agreement for sale, the Learned Advocate for the Petitioner was also asked to demonstrate and bring on record the payment of balance consideration over and above Rs.4.69 lakhs said to have been initially received by the parties as annexed to the said affidavit .

6. Today when the matter is called out, Learned Advocate for the Petitioner has tendered across the bar, a receipt dated December 3, 2024. The same is taken on record and marked 'X' for identification.

7. The said receipt demonstrates that the balance consideration of Rs.71,54,000/- has indeed been received jointly by the parties, thereby indicating that consideration for the sale of the jointly occupied premises has indeed been received by Respondent Nos. 2 & 3. The receipt of the same is said to have been obtained from the Society

8. In terms of the respective shares, the breakup of the receipt dated December 3, 2024, which is tendered across the bar, is also evident from the UTR number which indicates that half of the proceeds went to the Petitioner whereas the other half went to Respondent Nos. 2 & 3.

9. In these circumstances, this would indicate that the prayer originally sought by Respondent Nos. 2 & 3 has indeed worked itself out and therefore the ongoing payment of maintenance every month would now be disproportionate and unfair and would need to be interfered with.

10. In these circumstances, without getting into the legality or the propriety of the contents of the Impugned Order, purely in exercise of the extraordinary jurisdiction of this Court, taking note of the original prayers made by Respondent Nos. 2 & 3 which came to be allowed, albeit in a lower sum of Rs.10,000/- per month since it is demonstrated that the jointly-occupied residential premises have indeed been sold and consideration for the same has indeed been received pro rata to the respective shares of the parties, the Impugned Order, insofar as it directs

payment of maintenance on a monthly basis, need not be complied with any further. The original prayer by Respondent Nos. 2 & 3 has worked itself out and each party is free to lead their own life without having to depend on the other, for any further maintenance pursuant to the Impugned Order.

11. With the aforesaid directions, the Writ Petition is hereby ***finally disposed of.***

12. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]