

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1047 OF 2026

Smita Nilesh Pharande & Ors.

..Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Sumit Kate, for the petitioner.

Mr. A. C. Bhadang, AGP for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 27th JANUARY 2026

P.C.:

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 31st January, 2022, passed by the Maintenance Tribunal.
3. In view of the decision of the Division Bench of this Court in the case of **Jagdish Pitamber Pawar Vs. Pitamber Pundalik Pawar & Ors.**¹, an appeal under Section 16 of the Senior Citizens Act, is maintainable against the impugned order before the Appellate Authority.
4. The petition thus stands disposed with liberty to the petitioners to prefer an appeal against the impugned order.
5. The learned Counsel for the petitioners submits that, the petitioner has complied with the order passed by the Division

Digitally signed
by SANTOSH
SUBHASH
KULKARNI
Date:
2026.01.29
18:42:54 +0530

Bench in Writ Petition No. 8948/2022 dated 11th December, 2025 and the interim protection granted by the Division Bench by order dated 27th July, 2022 may be continued for a further period of two weeks.

6. In view of the order of the Division bench dated 11th December, 2025, the earlier order dated 27th July, 2022 shall continue to operate for a period of two weeks.

7. The petition stands disposed.

8. The time spent by the petitioner in prosecuting this petition may be accounted for under Section 14 of the Limitation Act, in the event the question of delay arises.

[N. J. JAMADAR, J.]