

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2021 OF 2026

Ankita Gitesh Kulkarni

..Petitioner

Versus

The Sub Divisional Officer & Ors.

...Respondents

Mr. Bhushan Raut, for the Petitioner.

Smt. M S Srivastava, AGP for the Respondent - State.

CORAM : N. J. JAMADAR, J.

DATE : 23th MARCH 2026

P.C.:

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 10th December, 2024 passed by the Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ("the Senior Citizens Act, 2007"). In view of the decision of this Court in the case of *Jagdish Pitambar Pawar Vs. Pitambar Pundalik Pawar & ors.*¹, an appeal at the instance of children or relative against an order passed by the Maintenance Tribunal is maintainable before the Appellate Tribunal under Section 16 of the Senior Citizens Act, 2007.
3. When the Court expressed its disinclination to entertain the petition, in view of the availability of the remedy of statutory

¹ WP/36/2023 dt. 29/11/2023

appeal, the learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to file an appeal before the Appellate Tribunal.

4. The petition stands dismissed as withdrawn with liberty to file an appeal before the Appellate Tribunal. In the event an appeal is filed before the Appellate Tribunal within a period of one week along with an application for stay to the order passed by the Maintenance Tribunal. The Appellate Tribunal is requested to hear and decide the application for stay as expeditiously as possible.

5. To facilitate the petitioner to approach the Appellate Tribunal, no coercive action be taken against the petitioner, pursuant to the order dated 10th December, 2024 passed by the Maintenance Tribunal for a period of one week from today.

6. It is hereby made clear that, if the appeal is not filed within the said period of one week, the aforesaid order shall stand vacated automatically and without reference to the Court, and, in any event, no request for further extension of aforesaid interim relief shall be entertained by this Court, on any count whatsoever.

[N. J. JAMADAR, J.]