

Ajit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3142 OF 2026**

Mikhail Kantroo	...Petitioner
Versus	
State Of Maharashtra And Ors.	...Respondents

Mr. Swaraj Jadhav, for the Petitioner.
Dr. Dhruti Kapadia, AGP for the Respondent-State.

CORAM: N. J. JAMADAR, J.
DATE : 09th MARCH 2026

P.C.:

- 1.** Heard the learned counsel for the Petitioner.
- 2.** The challenge in this petition is to an order dated 20th February 2026 passed by the Maintenance Tribunal under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, directing the Petitioner to deliver the possession of the subject premises to the senior citizen (Respondent No.3).
- 3.** In view of the Division Bench judgment of this Court in **Jagdish Pitambar Pawar Vs Pitambar Pundalik Pawar & Ors,**¹ an order passed by the Maintenance Tribunal is appealable at the instance of the children or relatives of the senior citizen as well. Since the Petitioners have an efficacious statutory remedy to prefer an appeal under Section 16 of the Act, 2007, this Court is not inclined to entertain the petition.

1 Writ Petition No. 36 of 2023, dated 29th November 2023.

4. The learned counsel for the Petitioner, however, invites the attention of the Court to the fact that the Petitioner No.3 is also a senior citizen, and is 72 years of age. If the impugned order is executed before the Petitioners approach the Appellate Tribunal, the Petitioners would suffer grave prejudice.

5. In view of the aforesaid submissions and having regard to the peculiar facts of the case, the petition stands disposed with liberty to the Petitioners to avail the remedy of an appeal under Section 16 of the Act, 2007. In the event, the Petitioners file an appeal under Section 16 of the Act, 2007 before the Appellate Tribunal, within a period of two weeks, and prefer an application for interim stay to the order passed by the Maintenance Tribunal, the Appellate Tribunal shall hear and decide the interim application for stay as expeditiously as possible.

6. To facilitate the Petitioners to approach the Appellate Tribunal and file the appeal along with an application for stay to the impugned order, there shall be a stay to the execution and operation of the impugned order for a period of two weeks from today.

7. The petition stands disposed.

[N. J. JAMADAR, J.]