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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3998 OF 2026

Shri. Vivek Uttamrao Gaikwad ... Petitioner
vs.
Shri. Uttamrao Kisan Gaikwad and ors. ... Respondents
Mr. Ratan L. Adhe for the Petitioner.

CORAM : N. J. JAMADAR, J.

DATED : 30 March 2026

ORAL ORDER :

1. Heard the learned counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 4th December, 2024 passed by the Appellate Tribunal in Appeal No.SR/53/2024, whereby the Appeal preferred by the Senior Citizen was allowed and an order passed by the Maintenance Tribunal, dated 20th March, 2024, purportedly in the exercise of the power of Review, was quashed and set aside.
3. Respondent Nos.1 and 2, the parents of the Petitioner, had preferred an Application before the Maintenance Tribunal. By an order dated 28th August, 2023, that Application was partly allowed, and the Petitioner and Anshuman, another son of Respondent Nos.1 and 2 were directed to credit a sum of Rs.5000/- into the bank account of Respondent Nos.1 and 2 by 5th of every month.
4. The Petitioner preferred a Review Application before the

Maintenance Tribunal. By an order dated 20th March, 2024, the said Review Application was allowed, and the earlier order dated 28th August, 2023, was set aside with a direction to the Petitioner to maintain Respondent Nos.1 and 2, if they were willing to reside with the Petitioner.

5. Being aggrieved, Respondent Nos.1 and 2 preferred an Appeal before the Appellate Tribunal. By the impugned order, the Appellate Tribunal quashed and set aside the said Review order dated 20th March, 2024. It was, *inter alia*, observed that the Maintenance Tribunal had misconstrued the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (“the Senior Citizens Act”), and exercised the jurisdiction not vested in it to review its earlier order.

6. The learned counsel for the Petitioner submitted that the impugned order was passed without providing an opportunity of hearing to the Petitioner. Respondent nos.1 and 2 have failed to demonstrate that they were unable to maintain themselves out of their own income. Thus, the Maintenance Tribunal was justified in reviewing the order passed on 28th August, 2023.

7. Under the scheme of the Senior Citizens Act, the Maintenance Tribunal has no power to review its own order. Once the order of maintenance is passed under Section 9 of the Senior Citizens Act,

the Maintenance Tribunal may make an alteration in the allowance of maintenance only under Section 10 of the Senior Citizens Act. It is well recognized that Court or Authority cannot review its own order unless the said power is conferred by the statute. A useful reference in this context can be made to the judgment of the Supreme Court in the case of *Patel Narshi Thakershi and ors. Vs. Shri Pradyumansinghji Arjunsinghji*¹,

wherein it was enunciated that, it is well settled that the power to review is not an inherent power. It must be conferred by law, either specifically or by necessary implication.

8. In the instant case, since the Maintenance Tribunal has exercised the power of Review which is not vested by the Senior Citizens Act, the Appellate Tribunal was justified in interfering with the order passed by the Maintenance Tribunal.

9. This Court finds that, even otherwise also the award of maintenance at the rate of Rs.5000/- per month and that too to be jointly paid by the Petitioner and his brother Anshuman Gaikwad, does not warrant interference in the exercise of the writ jurisdiction.

10. The Writ Petition thus stands dismissed.

[N. J. JAMADAR, J.]

1 1971(3) Supreme Court Cases 844