

Ajit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5149 OF 2026

Abhishek Ramkrishna Kasalkar And Anr. ...Petitioners

Versus

Ramkrishna Tatya Kasalkar And Anr. ...Respondents

Mr. Ajit Hodage, for the Petitioner.

Mr. Rajkiran Jadhav a/w Arunkumar Khedia, for Respondent No.1.

Mr. A. C. Bhadang, AGP for Respondent No.2-State.

CORAM: N. J. JAMADAR, J.

DATE : 22nd APRIL 2026

P.C.:

- 1.** Heard the learned counsel for the Petitioners.
- 2.** The challenge in this Petition is to an order dated 20th February 2026, passed by the Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (“the Act, 2007”).
- 3.** 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 a child or relative against an order passed by the Maintenance Tribunal is maintainable before the Appellate Tribunal, under Section 16 of the Act, 2007.
- 4.** The learned counsel for the Petitioners informs the Court that an attempt was made to file an appeal before the Appellate Tribunal. However, the Appellate Tribunal has refused to accept the appeal and instructed the Petitioners to obtain an order from the High Court.

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

5. This Court has, in a number of matters, relegated the parties who approached this Court in writ petitions to the Appellate Tribunal, in view of the decision of the Division Bench in the case of **Jagdish Pitambar Pawar** (supra). The Appellate Tribunal is, therefore, duty-bound to receive the appeals against the orders passed by the Maintenance Tribunal, even at the instance of the child or relative, and decide those appeals in accordance with law.

6. The Petition stands disposed with liberty to the Petitioners to file an appeal before the Appellate Tribunal.

7. The Appellate Tribunal is directed to receive the appeal, and hear and decide the same in accordance with law.

8. Since a grievance of the present nature has been made in many matters, the learned Government Pleader is directed to communicate this order, along with a copy of the Division Bench judgment of this Court in the case of **Jagdish Pitambar Pawar** (supra) to the concerned Appellate Tribunals to ensure compliance of the order passed by the Division Bench of this Court and not to decline to accept the appeals preferred against the orders passed by the Maintenance Tribunal at the instance of a child or relative of the senior citizen.

[N. J. JAMADAR, J.]