

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5263 OF 2026

Rajesh Mohan Surve and Anr ..Petitioners
Versus
Minakshi Mohan Surve and Ors ...Respondents

Adv Saili Dhuru, for the Petitioners.
Mr. A.C. Bhadang, AGP, for the Respondents.

CORAM: N. J. JAMADAR, J.
DATE : 28th APRIL 2026

ORAL ORDER:

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 9th March 2026 passed by the Maintenance Tribunal under The Maintenance And Welfare of Parents And Senior Citizens Act, 2007 (“the Act, 2007”).
3. The learned Counsel for the Petitioners submits that when an effort was made to file an Appeal against the impugned order before the Appellate Tribunal, the latter has refused to receive the Appeal.
4. In view of the decision of this Court in **Jagdish Pitambar Pawar Vs Pitambar Pundalik Pawar and Ors**,¹ an order against Maintenance Tribunal at the instance of the children and the relatives of a senior

ARUN
RAMCHANDRA
SANKPAL

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

citizen is maintainable before the Appellate Tribunal, under Section 16 of the Act, 2007.

5. The Petition thus stands disposed with liberty to the Petitioners to file an Appeal before the Appellate Tribunal along with an application for stay to the order passed by the Maintenance Tribunal, within a period of one week

6. In the event such an Appeal is filed 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 Appeal as expeditiously as possible and, if it is not possible to hear the Appeal finally, hear the Application for stay to the order passed by the Maintenance Tribunal, as expeditiously as possible.

7. Petition disposed.

[N. J. JAMADAR, J.]