

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5641 OF 2026

Akshay Shirwadkar

...Petitioner

Versus

Suhasini Lad and ors.

...Respondents

Ms.Ruchika Indalkar, a/w Saaniya Arfan Sait, i/b Sanao Desai,
for the Petitioner.

Mr. A. C. Bhadang, AGP for the State.

SANTOSH
SUBHASH
KULKARNI

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CORAM: N. J. JAMADAR, J.

DATED: 27th APRIL, 2026

PC:-

1. Heard the learned Counsel for the petitioner.
2. The learned Counsel for the petitioner, on instructions, seeks leave to withdraw the petition with liberty to prefer an appeal before the Appellate Tribunal.
3. In view of the decision of the Division Bench of this Court in the case of *Jagdish Pitambar Pawar Vs Pitambar Pundalik Pawar and Ors*,¹ the appeal at the instance of the children and the relatives of a senior citizen is maintainable before the Appellate Tribunal under Section 16 of the Act, 2007.

1 Writ Petition No.36 of 2023, dated 29/11/2023.

4. The petition, thus, stands dismissed as withdrawn with liberty to prefer an appeal before the Appellate Tribunal.

5. In the event such an appeal is filed within a period of two weeks alongwith an application for stay of 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 itself, to hear the application for stay expeditiously.

[N. J. JAMADAR, J.]