

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5851 OF 2026

Aruna Sanjiv Dubey

...Petitioner

Versus

The Learned Appellate Tribunal Alias
District Magistrate Of Thane (Dy Collector
Thane) And Ors

...Respondents

Mr. Sagar Joshi, for the Petitioner.

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

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CORAM: N. J. JAMADAR, J.

DATED: 29th APRIL, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.
2. As usual a grievance is made in this petition also that, the Appellate Tribunal has refused to accept the appeal preferred by the petitioner against the order passed by the Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 ("Senior Citizens Act, 2007"), despite the repeated orders passed by this Court in the light of the Division Bench judgment that an appeal at the instance of child or relative against an order passed by the Maintenance Tribunal is maintainable before the Appellate Tribunal under Section 16

of the Senior Citizens Act, 2007. (*Jagdish Pitambar Pawar vs Pitambar Pundalik Pawar And Others*¹)

3. The petition stands disposed with liberty to the petitioner to file an appeal before the Appellate Tribunal alongwith an application for stay to the execution and operation of the order passed by the Maintenance Tribunal.

4. In the event such an appeal is filed within a period of one week, the Appellate Tribunal shall hear and decide such appeal as expeditiously as possible and if it is not possible to hear and decide the appeal finally, the application for stay to the execution and operation of the order passed by the Maintenance Tribunal be heard expeditiously.

5. This Court is repeatedly informed by the Counsel for the parties that the Appellate Tribunals have been consistently refusing to entertain the appeals despite the Division Bench judgment of this Court in the case of *Jagdish Pawar* (supra).

6. The officer presiding over the Appellate Tribunal at Thane, shall appear before this Court on 30th April, 2026 and explain the circumstances under which he declined to accept the appeal

1 WP/36/2023, dtd.29/11/2023.

despite the judgment of the Division Bench of this Court in the case of *Jagdish Pawar* (supra).

7. Mr. Bhadang, the learned AGP, shall communicate this order to the concerned officer, who presides over the Appellate Tribunal at Thane.

8. The petition stands disposed.

9. However, the petition be listed tomorrow only for the purpose of appearance of the Presiding Officer, Appellate Tribunal.

[N. J. JAMADAR, J.]