

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6544 OF 2026

Vijay Govardhandas Rathod And Anr

...Petitioners

Versus

State Of Maharashtra And Ors

...Respondents

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Adv. Dhavan Shah, a/w Vishal Babar, i/b Sanjay Dhadan, for the Petitioners.

Adv. Ashwini A. Purav, AGP, for Respondent Nos. 1 and 2 – State.

Adv. Alok Mishra, a/w Yoesh Kokare, Juilee Modak, for Respondent No. 3.

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CORAM : ADVAIT M. SETHNA, J.

DATED : 13 MAY 2026

P.C.:-

(VACATION COURT)

1. Heard learned counsel for the parties.
2. This Petition primarily challenges the order dated 11 March 2026 passed by the Senior Citizen Tribunal constituted under the Maintenance and Welfare of Senior Citizens Act, 2007 (“**the said Act**” for short).
3. According to the Petitioner, there is extreme urgency in the matter, as, if this Petition is not entertained, the Petitioners before this Court may suffer eviction from the subject property pursuant to the Impugned Order dated 11 March 2026.

4. Learned counsel for Respondent No. 3 has placed on record a communication dated 30 April 2026 addressed by the Registry of the Tribunal, inter alia, to Respondent No. 3. According to this communication, the Petitioner had preferred certain Application dated 7 April 2026. The hearing of the said Application is scheduled on 28 May 2026 at 11.30 a.m., as clearly indicated in the communication dated 30 April 2026. This fact has not been disclosed in the proceedings filed before this Court. It appears that learned counsel appearing for the Petitioner was also not aware of the said communication.

5. Learned counsel appearing for Respondent No. 3 has submitted that the Applications referred to in the said communication relate to the same subject property.

6. Be that as it may, learned counsel for the parties submit that, under Section 16 of the said Act, a statutory appeal is provided to the Appellate Tribunal against an order passed by the Tribunal, which in the present case would be the order dated 11 March 2026.

7. Learned counsel for the Petitioner has expressed an apprehension that the appeal may not be permitted to be filed on the ground that the parties are not senior citizens. Factually, this does not appear to be a correct submission, inasmuch as Petitioner No. 1 is clearly a senior citizen. Be that as it may, the

Petitioners may institute such statutory appeal under the said provision before the Appellate Tribunal, which shall consider the same on its own merits and in accordance with law, including the issue of maintainability of such appeal.

8. It is made clear that all rights and contentions of the parties are expressly kept open, without this Court expressing any opinion on the merits of the Petition.

9. The issue of limitation, if raised, shall also be appropriately decided by the Tribunal at the relevant stage and in accordance with law.

10. In view of the above, nothing survives in the present Petition, and the same is accordingly Disposed Of.

11. All concerned to act on an authenticated copy of this order.

[ADVAIT M. SETHNA, J.]