



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7326 OF 2026**

Surajprakash Bahrooz and Anr. ... Petitioners
versus
The State of Maharashtra and Ors. ... Respondent

Mr. Nagraj Tarade with Mr. Manan Daga, for Petitioners.
Mr. A.C.Bhadang, AGP for State.
Ms. Mukta Mishra with Mr. Arun Mishra, for Respondent No.4.

**CORAM: N.J.JAMADAR, J.
DATE : 15 JUNE 2026**

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 2 April 2026 passed by the Maintenance Tribunal, thereby partly allowing the application preferred by the Petitioners – senior citizens under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
3. The Petitioners – senior citizens have a statutory remedy of appeal under Section 16 of the Act, 2007 before the Appellate Tribunal. However, the learned Counsel for the Petitioners made a grievance that the legal practitioners are not allowed to appear before the Appellate Authority in view of the provisions contained in Section 17 of the Act, 2007 and, therefore, the Petitioners are constrained to approach this court.
4. In the face of an express statutory remedy of appeal provided under Section 16 of the Act, 2007, there is no propriety in entertaining a Petition in

exercise of the supervisory jurisdiction. No case for exercise of extra-ordinary writ jurisdiction despite the availability of statutory remedy is made out.

5. As regards the submission of the learned Counsel for the Petitioners that the legal practitioners are not allowed to appear before the authorities under the Act, 2007, suffice to clarify that in the case of **Santosh Savlaram Morajkar V/s. Sumitra Savlaram Moraskar and Anr.**¹, this Court after following the judgments, including the decisions in the cases of **Adv. K.G.Suresh V/s. The Union of India**², and **Taruna Saxena V/s. Union of India**³, has held that the provisions of Section 17 are ultra vires the provisions of Section 30 of Advocates Act.

6. Thus, the Writ Petition stands disposed with liberty to the Petitioners to prefer an appeal before the appellate Tribunal under Section 16 of the Act, 2007.

7. The time spent by the Petitioners in prosecuting this petition may be accounted for in the event the question of limitation for filing an appeal arises.

8. In the event, such an appeal is preferred, the appellate Tribunal, in view of the decision of this court in the case of **Santosh Savlaram Morajkar (supra)**, shall allow the legal practitioner to appear for the Petitioners.

(N.J.JAMADAR, J.)

1 2025 BHC Goa 919

2 AIR 2021 KER 152

3 AIR Online 2021 Del 561