

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 4838 OF 2026

Pravin Yashwant Panchal & Anr.

... Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

AND

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1335 OF 2026

IN

WRIT PETITION NO. 9448 OF 2024

Pravin Yashwant Panchal

... Applicant

In the matter between

Pramila Yashwant Panchal

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

Mr. Amrendra A. Sinha a/w. Mr. Pankaj Ghai for the Petitioners in WPL 4838/26.

Mr. Tanmay T. Jadhav for Respondent No.4.

Ms. Rupali Shinde, AGP for the Respondent-State.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATED : 17th FEBRUARY, 2026.

ORAL ORDER (PER M. S. KARNIK, J.)

1. The challenge in this petition is to the Order dated 3rd January, 2024 passed by the Presiding Officer, Parents and Senior Citizen Tribunal,

Mumbai Suburban District. The Tribunal by the impugned Order directed the petitioner to remove himself from the Suit property. The Tribunal directed that the peaceful possession of the suit property be handed over by the petitioner to his mother i.e. respondent No.4.

2. Respondent No.4, who is the petitioner's mother, is 76 years of age. This petition was filed on 6th February, 2026 challenging the Order dated 3rd January, 2024. Learned counsel for respondent No.4 raised a serious objection as regards the delay in filing this petition. It is submitted by learned counsel for respondent No.4 that the petitioner is harassing respondent No.4 and in fact petitioner was driven out of the house by the deceased husband of respondent No.4 i.e. the petitioner's father. In such circumstances, it is prayed that the Order passed by the Tribunal does not call for any interference.

3. We must note that respondent No.4 had filed Writ Petition No. 9448 of 2024 for executing the Order passed by the Tribunal, which is now challenged by way of this Petition. By the Order dated 3rd February, 2026, the Petition was disposed of vide the following Order:-

"1. Heard learned counsel for the Petitioner.

2. By this Petition, the Petitioner seeks enforcement of the order dated 3rd January 2024 passed by the Senior Citizen Tribunal in S.C.T./SR-182/2022.

3. Learned counsel for the Petitioner submitted that despite several representations made to the In-charge of the Charkop

Police Station, no steps have been taken to enforce the order dated 3rd January 2024. The Petitioner is an old lady 75 years of age. As per the order dated 3rd January 2024, the concerned Respondents were directed to handover the vacant possession within a period of 15 days. It has been stipulated in clause No.4 of the operative part that if the order is not complied with, the Petitioner has to take help of the concerned Police Station.

4. The Petitioner is permitted to approach the In-charge of Charkop Police Station along with copy of this order. The Petitioner shall make an appropriate Application along with copy of this order to the In-charge of Charkop Police Station on or before 9th February 2026. On Application so made, all necessary assistance be provided by the In-charge of Charkop Police Station to the Petitioner in ensuring that the order dated 3rd January 2024 passed by the Senior Citizen Tribunal is enforced.

5. Learned AGP to communicate this order to the In-charge of Charkop Police Station.

6. List on 4th March 2026 "For Compliance".

7. Petition is disposed of."

4. Factually, the Order is yet not complied with and the Writ Petition filed by respondent No.4 is listed for compliance on 4th March, 2026.

5. No doubt, after the Order dated 3rd February, 2026 was passed by this Court, that the present Petition came to be filed on 6th February, 2026. It is undisputed that the suit property in question which comprises Ground+1 storied structure admittedly was of the ownership of the

Petitioner's father. The petitioner's father died intestate. It is an admitted fact that there are in all five co-sharers including the petitioner and respondent No.4. The petitioner has 1/5th share in the suit property. Factually, the petitioner is in possession of the first floor.

6. Today, an Affidavit has been filed by the petitioner stating thus:-

"1. I am the wife of the Applicant, Shri Pravin Yashwant Panchal, who is Respondent No.4 in Writ Petition No. 9448 of 2024 and the Applicant in the accompanying Interim Application. I am conversant with the facts and circumstances of the case and competent to swear this affidavit.

2. I state that I am suffering from 80% permanent visual disability (blindness) as certified by the competent medical authority vide Disability Certificate No. MH222029800062217 dated 21.06.2021. Owing to my disability, I am entirely dependent upon my husband for residence, care, mobility and day-to-day living.

3. I have been presently residing along with my husband in the premises bearing Flat No. 606/B-15, Sneh Poonam CHS Ltd., Charkop, Kandivali (West), Mumbai, which is our only place of shelter and residence.

4. I state that I was deliberately not impleaded as a party in Writ Petition No. 9448 of 2024 filed by my mother-in-law, though my residence in the premises and my severe disability were fully known to her. The material facts regarding my existence, disability and dependence were also suppressed before the Senior Citizen Tribunal, and eviction was sought as if my husband alone was residing in the premises.

5. *I say that the order dated 03.02.2026 passed in Writ Petition No. 9448 of 2024 directing police assistance for eviction has created an immediate and real threat of forcible dispossession of myself and my husband from our only residence.*

6. *I respectfully state that if the said order is implemented, I, being a severely disabled person, will be rendered homeless and destitute, with no alternative accommodation or means of livelihood. Such eviction would cause extreme hardship and would violate my rights under the Rights of Persons with Disabilities Act, 2016 as well as my fundamental rights under Articles 14 and 21 of the Constitution of India.*

7. *I further state that the financial condition of my husband and our family is extremely poor. We have no independent source of income and are unable to secure any other accommodation. Due to such financial constraints, my husband was compelled to seek legal aid from the High Court Legal Services Authority, which appointed the present Advocate to represent him in January 2026.*

8. *I say that I fully support the Interim Application filed by my husband seeking suspension of the order dated 03.02.2026, as continuation of the said order would cause irreparable injury and injustice to me and my family.*

I therefore most respectfully pray that this Hon'ble Court be pleased to protect us from any coercive action and suspend the operation of the order dated 03.02.2026 till the final disposal of the substantive Writ Petition filed by my husband challenging the Tribunal order."

7. The petitioner is present in the Court and says that he will abide by whatever is stated in the Affidavit. The statements made in the Affidavit should allay any apprehension expressed by the learned counsel on behalf of respondent No.4.

8. Additionally, it needs to be stated that in deference to the suggestion of this Court, learned counsel for the petitioner as well as learned counsel for respondent No.4 agreed that the dispute needs to be resolved amicably. It was suggested by learned counsel for respondent No.4 that in order to avoid any dispute, respondent No.4 proposes to dispose of the property and hand over the respective shares to all the co-sharers. Such an arrangement is acceptable to the petitioner. This is so stated by the learned counsel for the petitioner, on instructions of the Petitioner, who is present in the Court. In such view of the matter, subject to the other co-sharers agreeing, learned counsel for the petitioner as well as learned counsel for respondent No.4 submit that should there be a buyer, who is interested to purchasing the suit property, they would not have any objection to the property being sold and the proceeds appropriated towards their respective shares. This is a reasonable suggestion. The parties may proceed with such a course.

9. In this view of the matter, more so when admittedly, the petitioner is co-sharer and in possession of the property, we are of the firm view that

the proceedings under the Senior Citizens Act cannot be used as a tool to avoid the normal remedy of seeking eviction through the competent Civil Court. In such view of the matter, the impugned Order passed by the Tribunal calls for interference and is accordingly quashed and set aside.

10. In view of the aforesaid arrangement and considering that the Order of the Tribunal is quashed and set aside, the Order dated 3rd February, 2026 passed by this Court now need not be enforced in view of this legal impediment. Writ Petition No. 9448 of 2024 need not be listed for compliance.

11. Interim Application No. 1335 of 2026 is disposed of in the light of the aforesaid observations and in view of Affidavit filed by Pravin Yashwant Panchal, petitioner in Writ Petition (L) No. 4838 of 2026 (Applicant in IA No. 1335 of 2026).

12. The parties assure that the issue will be amicably resolved and that they wish to maintain cordial relations. Recording this assurance, Writ Petition No. 4838 of 2026 is disposed of.

13. List Writ Petition (L) No. 4838 of 2026 for compliance on 6th April, 2026.

14. It is assured by the learned counsel for the petitioners on instructions of wife of the petitioner-Pravin, who is present in the Court premises, that the DV proceedings bearing No. 145/2024 shall not be pressed and shall be

withdrawn. It is assured that the petitioner's wife co-operate with the respondent No.4 in quashing the proceedings. It is assured by learned counsel for respondent No.4-mother that the electricity bill and the society charges shall be shared equally and the basic amenities like water supply shall be restored and use of washroom shall be permitted.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)