

Priya Soparkar

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

WRIT PETITION NO. 4122 OF 2024

Dimple Kaur ...Petitioner
Versus
State of Maharashtra and ors. ...Respondents

Mr. Kuber Wagle (through V.C.) with Ms. R. Bhalekar i/by MZM
Legal, for the Petitioner.
Mr. Denzil D'Mello, for the Respondents Nos.2 and 3.
Ms. Gaurangi Patil, AGP, for the State.

CORAM: SUMAN SHYAM &
AARTI A. SATHE, JJ.

DATED: 30TH MARCH, 2026.

PC:-

1. Heard Mr. Kuber Wagle, learned counsel appearing through Video Conferencing for the Petitioner, Ms. Gaurangi Patil, learned AGP appearing for the State and Mr. Denzil D'Mello, learned counsel appearing for the Respondents Nos.1 and 2.

2. Mrs. Prem Kaur Chandhok i.e. the mother of the Writ Petitioner, during her lifetime, had approached the Sub-Divisional Officer & Maintenance Tribunal for Senior Citizens, Mumbai Western Suburban District by filing an application under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking an order of maintenance against the Respondents Nos.2 and 3 i.e. a son and a daughter of the Applicant

who are impleaded as Respondents Nos.2 and 3 in the present petition. The application filed by Mrs. Prem Kaur Chandhok, was, however, dismissed. While dismissing the application, the learned Presiding Officer of the Maintenance Tribunal had directed the Respondent No.1 (Respondent No. 2 herein) to deposit of Rs.40,000/- per month for maintenance of the Applicant. The operative part of the order is reproduced as under :-

“ORDER

1. The application of the Applicant is rejected and dismissed.
2. The Respondent No. 1 should continue depositing Rs. 40,000/- (Rupees Forty Thousand only) per month for the maintenance of the Applicant in her account.
3. Similarly the Respondent no. 1 should continue to pay all the bills of medicines of Applicant, electricity, telephone, security etc. in respect of A Wing of Chandhok Nivas which were being paid by him previously.
4. If necessary, liberty granted to the Applicant to move application against her daughters for claim of maintenance.
5. This order should be communicated to all concerned.”

3. The original Applicant i.e. Mrs. Prem Kaur Chandhok i.e. the mother of the Petitioner has since expired. The present Writ Petition has been filed by another daughter of Prem Kaur

Chandhok raising a grievance against the order dated 12th November, 2019 passed by the Presiding Officer of the Maintenance Tribunal on the ground that the said order contains certain observations/ remarks which are prejudicial to the interest of the Writ Petitioner.

4. As noted above, the original Applicant has already expired and therefore, the cause for assailing the order of Maintenance Tribunal also does not survive at this point of time.

5. In so far as the observations made in the order dated 12th November, 2019 is concerned, it is needless to mention herein that since the Petitioner was not a party to the said proceeding before the Presiding Officer of Maintenance Tribunal, hence, any observations made therein, adverse the interest of the Petitioner, would also not be binding on the Petitioner in any manner.

6. With the above observations, this Writ Petition stands closed.

(AARTI A. SATHE, J.)

(SUMAN SHYAM, J.)