



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3868/2026

Smt. Radhabai Madanlal Mandhane

...Versus...

The District Collector, acting as Appellate Tribunal, Buldhana and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. S.P Bhandarkar, Advocate for petitioner
Mrs. Sneha Dhote, AGP for respondent Nos.1 and 2
Mr. N.R. Tekade, Advocate for respondent No.3

CORAM : ROHIT W. JOSHI, J.

DATE : 08/05/2026

1. By the impugned order dated 16/02/2026 in the appeal, preferred under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short hereinafter referred to as "Senior Citizens Act, 2007"), the Additional District Collector and Appellate Authority under the said Act for Buldhana has quashed and set aside the order dated 29/04/2025, passed by the Sub Divisional Officer and Maintenance Tribunal, Mehkar in Senior Citizen Case No.11/Lonar/2024-2025 and has remanded the matter the Sub Divisional Officer and has directed the learned Tribunal to decide the application afresh.

2. Two grounds, on which the remand is ordered, are that the senior citizen has not incorporated any prayer for maintenance in the application and that the legal representatives of the senior citizen are not brought on record.

3. The first ground, on which the remand is ordered, is completely untenable. The senior citizen is alive and as such, there is no question of bringing his legal representatives on record.

4. Second ground, on which remand is ordered, is that relief under Section 23 of the Senior Citizens Act, 2007 is granted in the absence of any prayer seeking maintenance.

5. The Appellate Authority could have decided maintainability of the proceeding in the absence of prayer for maintenance itself. There was no need to pass an order of remand on this ground. The issue of maintainability of application is a legal question, which could have been decided by the Appellate Authority itself.

6. In view of the aforesaid, second ground, on which the proceeding is remanded to the Sub Divisional Officer, is also not tenable.

7. In view of the aforesaid, Writ Petition is allowed in the following terms : -

(i) Order dated 16/02/2026, passed by the District Magistrate and Appellate Tribunal, Buldhana in Senior Citizen Appeal No.6/Lonar/2025-26 is quashed and set aside.

(ii) The District Magistrate and Appellate Tribunal, Buldhana is directed to decide the said appeal on merits, in accordance with law. While deciding the appeal, the Appellate Authority shall deal with the judgments in the case ***Jitendra Gorakh Megh Vs. Additional Collector and Appellate Tribunal and another***, reported in ***(2026) 1 Bom CR 707***, ***Bholenath Mevalal Nishad Vs. Shyamdulari Mevalal Nishad and others*** (***Writ Petition No.16375/2025, Civil Appellate Jurisdiction,***

Bombay, decided on 05/03/2026) and other judgments on this aspect, which may be cited.

- (iii) All contentions are kept open.
- (iv) There shall be no order as to costs.

(ROHIT W. JOSHI, J.)

Wadkar