

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16296 OF 2024

Devchand Korshi Dedhia ...Petitioner

Versus

Shiban Devchand Dedhia & Anr. ...Respondents

WITH

WRIT PETITION NO.17404 OF 2024

Shiban Devchand Dedhia & Anr. ...Petitioners

Versus

Devchand Dedhia & Ors. ...Respondents

Adv. Dushyant Purekar i/by Adv. Rajat Dedhia, for the Petitioner in WP/16296/2024.

Adv. Yogesh Naidu a/w Adv. Eden Seth & Adv. Subiya Kazi, for the Respondents in WP/16296/2024 and Petitioners in WP/17404/2024.

Mr. N.C. Walimbe, Addl.GP a/w Adv. Reena A. Salunkhe, AGP for the Respondent-State.

Adv. Prasad L. Gaibhiye, for the Respondent No.4-BCI in WP/17404/2024.

CORAM : SUMAN SHYAM &

SHYAM C. CHANDAK, JJ.

DATED : 6th APRIL, 2026

P.C. :-

1. Mr. Naidu, learned Counsel for the Writ Petitioners in Writ Petition No.17404 of 2024 submits that, in view of the copy of the communication dated 24.02.2026 issued by the Sub-Divisional Officer and

Presiding Officer, Senior Citizens Maintenance Tribunal, Mumbai Western Suburbs addressed to the Government Pleader of the High Court intimating that legal practitioners would be entitled to represent the parties provided the parties request for such representation, the challenge made to the vires of Section 17 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has become redundant. As such, Mr. Naidu submits that, Writ Petitioners be granted leave to delete prayer Clauses 96 (a) & (b) viz.

"a) Issue a writ, order or direction to declare that Section 17 of the Maintenance & Welfare of the Parents and Senior Citizens Act, 2007, is ultra vires the Constitution, and void, repugnant to Section 30 of the Advocates Act, 1960.

b) Issue a writ of mandamus or any appropriate writ, order or direction, declaring the right of the Advocates / Legal practitioners to represent the parties before the Tribunal / Appellate tribunals / Court, constituted under the Maintenance Act."

2. The prayer is not opposed by the Respondents. As such, at the request of Mr. Naidu seeking leave to amend prayer clauses 96 (a) & (b) are hereby deleted.

3. Office to make necessary endorsement on such behalf.

4. After the deletion of prayer clauses 96 (a) & (b), the matter would lie before the learned Single Judge. Like wise, the connected Writ Petition being Civil Writ Petition No.16296 of 2024 which is tagged with this

case would also lie before the learned Single Judge. Therefore, Registry to verify and list both the Writ Petitions before the appropriate Bench on 28th April, 2026.

5. Re-verification is dispensed with.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)