

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17988 OF 2024

Mahesh Patel & Anr. ...Petitioners
Versus
Kishor Dahyabhai Patel, Deceased through Legal
Heirs ...Respondents

Mr Yogesh Naidu, with Eden R. Seth & Talha Siddiqui, for the
Petitioners.
Ms DS Deshmukh, AGP, for the Respondent-State.
Mr Amod Eklaspur, with Abhijit A. Devkhile, Shyam Singh Y Rutuja
R. Vadalkar, for Respondents Nos. 2 and 3.

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**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED: 21ST APRIL 2026.

PC:-

1. Mr Naidu, learned counsel appearing for the Writ Petitioners submits that in view of the communication dated 24th February 2026 issued by the Sub-Divisional Officer and Presiding Officer, Senior Citizens Maintenance Tribunal, Mumbai, Western Suburbs addressed to the Government Pleader intimating that legal practitioners would now be entitled to represent the parties provided such request for representation come from the parties, the challenge to the vires of Section 17 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as well as Section 13 of the Advocates Act 1960 would no longer survive for consideration of this Court.

2. Mr Naidu, therefore, prays for deletion of prayer clauses 49(f) and (g), which read as follows:-

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

49(g) 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.”

3. Mr Naidu also prays for deletion of the names of Respondents Nos. 4, 6 and 7.

4. The oral prayers made by Mr Naidu are not opposed by the learned counsel for the other side. As such, the prayer clauses 49(f) and (g) are, permitted to be deleted. The Petitioner is permitted to delete the names of Respondents Nos. 4, 6 and 7 from the array of parties. Amendments to be carried out to that effect, dispensing with re-verification.

5. After deletion of the prayer clauses 49(f) and (g), this matter would lie before the learned *Single Judge*.

6. In view of the above, Registry to take steps to list the Writ Petition before the appropriate Bench on 5th May 2026, if convenient to that Bench.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)

Note: This order is modified as per order dated 6th May 2026.