

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5291 OF 2026

Archana Anand Biradar

VERSUS

The State Of Maharashtra Through The Collector Latur,

...

Advocate for the Petitioner : Mr. Ajinkya Reddy h/f Mr. Hingne Avdhut
Sambhajirao

AGP for Respondent/State : Mr. S.R. Yadav Lonikar

WITH

CIVIL APPLICATION NO. 5498 OF 2026

IN WP/5291/2026

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 08, 2026

PER COURT :-

1. Heard.
2. Issue notice to respondents, returnable on 22.06.2026.
Learned AGP waives notice for respondent nos.1 and 2.
3. Mr. Reddy, learned advocate appearing for petitioner submits that petitioner has been protected by order dated 19.04.2025 passed under Domestic Violence Act by learned Judicial Magistrate. However, respondents initiated counter proceeding under Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He invites attention of this Court to observations of Hon'ble Supreme Court in case of *Smt. S. Vanitha Vs. Deputy Commissioner, Bengaluru* reported in *AIR 2021 SC 177*, which reads thus :

"Therefore, in the event that a composite dispute is alleged, such as in the present case where the suit premises are a site

(2)

of contestation between two groups protected by the law, it would be appropriate for the Tribunal constituted under the Senior Citizens Act 2007 to appropriately mould reliefs, after noticing the competing claims of the parties claiming under the PWDV Act 2005 and Senior Citizens Act 2007. Section 3 of the Senior Citizens Act, 2007 cannot be deployed to override and nullify other protections in law, particularly that of a woman's right to a „shared household“ under Section 17 of the PWDV Act 2005.”

4. Mr. Reddy submits that inspite of aforesaid legal position, the Tribunal formulated under Senior Citizens Act and Appellate Authority ignoring principles of law espoused by Hon'ble Supreme Court, passed impugned order.

5. In that view of matter, till returnable date, there shall be ad-interim relief in terms of prayer clause (C).

(S.G. CHAPALGAONKAR, J.)