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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
(SR. NO. 906) WRIT PETITION NO.741 OF 2026

Nitin Pralhad Ghute And Ors. ...Petitioners
Versus
Pralhad Ganpati Ghute And Others. ...Respondents

AND

(SR. NO. 907) WRIT PETITION NO.742 OF 2026

Nitin Pralhad Ghute And Ors. ...Petitioners
Versus
Pralhad Ganpati Ghute And Others. ...Respondents

Mr. P. D. Dalvi, Advocate for Petitioners in both WP
Mr. Sanjay D. Rayrikar, AGP for State in WP/741/2026.
Mr. J.P. Patil, AGP for Respondent Nos.2 to 4/State in WP/742/2026.

CORAM : M.M. SATHAYE, J.

DATE : 10th FEBRUARY, 2026

P.C. :

1. Heard learned counsel for the Petitioners.
2. The petitions are filed by son, daughter-in-law, grand son and grand daughter-in-law of Respondent No.1 challenging the common order dated 12.01.2026 passed by the Appellate Court under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in Appeal Nos.1 & 2 of 2023 filed by Respondent No.1 as well as present Petitioners. The said appeals are cross appeals arising out of order dated 10.02.2023 passed by concerned Sub Divisional Officer (SDO)

on Complaint No.2 of 2022 filed by Respondent No.1.

3. Learned counsel for the Petitioners invited the Court's attention to Clauses 1 & 2 of the impugned order, contending that the authority under the said Act cannot grant declaration about registered gift deed. He invited Court's attention to the proceedings pending in the civil Court. Learned counsel for the Petitioners submitted that the civil dispute between the same parties is pending in the Court of Civil Judge Senior Division, Karad which is in the form of Special Civil Suit No. 153 of 2023. He submits that the properties involved are the also same, regarding which declaration is granted under impugned order.

4. I have perused the impugned order. The aspect of competence of the authority under the said Act to grant declaration about registered documents needs further consideration. For the same, Respondent No.1 will have to be heard.

5. Learned counsel for the Petitioners states on instruction that after the order of the SDO dated 10.02.2023, the Petitioners have handed over possession of subject matter 'Nitiraj Bungalow' to Respondent No.1 as directed by this Court under order dated 13.10.2023 passed in Writ Petition No. 2748 of 2023. Statement is accepted and recorded.

6. Therefore, issue notice to Respondents returnable on 10.03.2026. Learned AGP waives service for Respondent Nos. 2, 3, & 4. In addition to Court notice, private notice to Respondent No.1 is permitted. Hamdast is also permitted.

7. Till next date, there shall be ad-interim stay to operation of Clauses 1 & 2 of the impugned order dated 12.01.2026 passed in Appeal Nos.1 & 2 of 2023 by Appellate Tribunal under the said Act.
8. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)