



W.P(MD)No.27039 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.27039 of 2022

and

W.M.P(MD)No.21207 of 2022

Ayyappan

... Petitioner

Vs

1.The District Collector,
Appellate Tribunal under the Maintenance and
Welfare of Parents and Senior Citizens Act,
Kanyakumari District, at Nagercoil.

2.The Revenue Divisional Officer /
Sub Collector / Presiding Officer,
Tribunal under the Maintenance and
Welfare Under the Maintenance and
Welfare of Senior Citizen Act,
Padmanabhapuram, Thuckalay Post,
Kanyakumari District.

3. Aanchali

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Certiorari, calling for the records pertaining to the order of



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the second respondent in Moo.Mu.(A2)/27/2022 dated 11.03.2022 and the order in Appeal passed by the first respondent in Moo.Mu.C3/17536/2021 dated 12.07.2022 and quash the same.

For Petitioner : Mr.S.Pillai Monicantan

For Respondents : Mrs.K.R.Shiva Shankari (R1 & R2)
counsel for State

: No appearance (R3)

ORDER

This Writ Petition has been filed challenging the order dated 11.03.2022 passed by the second respondent and the appellate order dated 12.07.2022 passed by the first respondent, and to quash the same.

2.Learned counsel appearing for the petitioner submitted that the third respondent is the mother of the petitioner. She has three sons and one daughter, including the petitioner. It is the case of the petitioner that he had purchased a property from the third respondent in the name of his wife by paying the sale consideration. Subsequently, at the instigation of the petitioner's brothers, the third respondent filed an application before the



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second respondent under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, claiming maintenance of Rs.3,000/- per month and also seeking permission to reside in the house in question.

3.Learned counsel further submitted that the second respondent, by order dated 11.03.2022, directed the petitioner to pay a sum of Rs.2,000/- per month towards maintenance, after recording the statements of the petitioner and the other legal heirs. It is also recorded that the petitioner had no objection to permitting the third respondent to reside in the said house. Aggrieved by the quantum of maintenance, the third respondent preferred an appeal before the first respondent. The first respondent, by order dated 12.07.2022, modified the order of the second respondent and enhanced the maintenance amount to Rs.10,000/- per month. Challenging the said order, the present Writ Petition has been filed.

4.Learned counsel appearing for the petitioner submitted that the petitioner is a daily wage labourer (coolie) and has no permanent source of



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income. The appellate authority, without considering the petitioner's financial capacity, avocation and earning ability, mechanically enhanced the maintenance amount from Rs.2,000/- to Rs.10,000/- per month. According to the learned counsel, the petitioner is not in a position to pay such a substantial amount. However, it is fairly submitted that the petitioner is willing to pay such reasonable maintenance as may be fixed by this Court. It is also submitted that the petitioner had undertaken before the authorities that he had no objection to the third respondent residing in the house for the rest of her lifetime, and the petitioner continues to abide by the said undertaking.

5.Per contra, the learned counsel for State appearing for respondents 1 and 2 submitted that the third respondent had executed a registered Sale Deed in favour of the petitioner's wife after receiving a sale consideration of Rs.2,15,000/-. The appellate authority, after considering the facts and circumstances of the case, enhanced the maintenance amount to



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6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.It is not in dispute that the third respondent is the mother of the petitioner. It is also an admitted fact that the petitioner had undertaken before the second respondent as well as the appellate authority that he had no objection to the third respondent residing in the house in question. The only dispute before this Court is with regard to the quantum of maintenance fixed by the appellate authority.

8.The materials placed before this Court indicate that the petitioner is a daily wage labourer and does not have a regular or permanent source of income. While the obligation of a son to maintain his aged mother cannot be diluted, the quantum of maintenance must necessarily be fixed



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after taking into consideration the earning capacity and financial status of the person liable to pay maintenance, as well as the needs of the claimant.

9.In the facts and circumstances of the present case, this Court is of the considered opinion that the enhancement of maintenance from Rs.2,000/- to Rs.10,000/- per month is on the higher side. At the same time, the maintenance awarded by the second respondent appears to be inadequate to meet the basic needs of the third respondent. Therefore, balancing the interests of both parties, this Court is inclined to modify the maintenance amount to Rs.5,000/- (Rupees Five Thousand only) per month, payable by the petitioner to the third respondent.

10.Insofar as the claim for residence is concerned, this Court records the undertaking given by the petitioner before the authorities that he has no objection to the third respondent residing in the house in question. Accordingly, the petitioner shall permit the third respondent to reside in the said house peacefully and without any interference during her lifetime. The



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petitioner and the other family members shall not disturb or interfere with her peaceful possession and enjoyment of the residential portion occupied by her.

11. Accordingly, the order dated 12.07.2022 passed by the first respondent is modified to the extent that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) per month towards maintenance to the third respondent. The direction permitting the third respondent to reside in the house shall continue during her lifetime in terms of the undertaking given by the petitioner before the respondents.

12. With the above modification, the Writ Petition is partly allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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