

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 9265 of 2014 (G)

PETITIONER(S):

**NEIL UDHAYAN,
W/O. UDHAYAN, VANNERI HOUSE, NADUVILKARA,
VADANAPPILLY P.O., THRISSUR.**

**BY ADVS.SRI.HARISANKAR V. MENON,
SMT.MEERA V.MENON,
SRI.MAHESH V.MENON.**

RESPONDENT(S):

- 1. REVENUE DIVISIONAL OFFICER,
MAINTENANCE TRIBUNAL UNDER THE
MAINTENANCE & WELFARE OF PARENTS AND
SENIOR CITIZENS ACT, THRISSUR-690 001.**
- 2. THE DISTRICT COLLECTOR,
APPELLATE TRIBUNAL UNDER THE
MAINTENANCE & WELFARE OF PARENTS AND
SENIOR CITIZENS ACT, THRISSUR-690 001.**
- 3. MEENAKSHY APPU,
KANDENGATTIL HOUSE, THURAVANKAD,
PULLUR P.O., THRISSUR-680 683.**
- 4. UDHAYAN K.A., VANNERIL HOUSE,
NADUVILKARA, VADANAPPILLY P.O.,
THRISSUR-680 684.**

**R1 & R2 BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.
R3 BY ADV. SRI.V.BINOY RAM.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 9265 of 2014 (G)

APPENDIX

PETITIONER'S EXHIBITS:-

**P1:- COPY OF ORDER IN CASE NO. C2-9959/2013 OF 1ST RESPONDENT
DATED 24/10/2013.**

**P2:- COPY OF ORDER IN CASE NO. C4-73189/2013 OF 2ND RESPONDENT
DATED 06/02/2014.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 9265 of 2014

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Dated, this the 3rd day of February, 2015

JUDGMENT

The petitioner herein, who is the wife of the 4th respondent, is stated as aggrieved of Ext. P1 order passed by the first respondent under the Maintenance and Welfare of Parents and Senior Citizens Act 2007, whereby a sum of Rs. 5,000/- is directed to be satisfied every month by the 4th respondent to his mother (3rd respondent in this writ petition).

2. After going through the pleadings and proceedings and also on hearing the learned counsel for the petitioner, it is seen that though the petitioner was included in the party array as the second respondent in Ext. P1 proceedings, the first respondent was quite categoric to the effect that the petitioner could not have been made a party to the case and hence no proceedings can be pursued against the petitioner. It was accordingly that Ext. P1 order was passed, specifically making an observation in this regard and directing to satisfy maintenance to the mother of the 4th respondent; which is clearly against the 4th respondent and not against the petitioner.

This being the position, if the 4th respondent is aggrieved of Ext. P1, it is for the 4th respondent to have it challenged and if the petitioner wants to prosecute the matter on behalf of the 4th respondent, who is working abroad, it is for the petitioner to pursue such exercise, after obtaining the power of attorney of the 4th respondent.

Without prejudice to the right of the petitioner/party to pursue above exercise, interference is declined and the writ petition is dismissed.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd