

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 17357 of 2015 (T)

PETITIONER:

**P.SREEDEVI AMMA, AGED 62 YEARS,
W/O. BALAKRISHNAN NAIR, SMITHA NIVAS,
KOTTAPPURAM VILLAGE, SOUTH PARAVUR P.O.,
KOLLAM DISTRICT.**

**BY ADVS.SRI.V.VENUGOPALAN NAIR
SMT.LAYA SIMON**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE TRIBUNAL FOR THE PROTECTION AND
MAINTENANCE OF SENIOR CITIZENS, KOLLAM,
(THE REVENUE DIVISIONAL OFFICER) - 689 001.**
- 3. THE APPELLATE TRIBUNAL FOR THE PROTECTION
AND MAINTENANCE OF SENIOR CITIZENS,
KOLLAM (THE DISTRICT COLLECTOR)-689 001.**
- 4. PANKAJAKSHI AMMA, KALLIL VEEDU,
KALAKKODU P.O., POOTHAKKULAM VILLAGE,
KOLLAM DISTRICT - 689 001.**
- 5. THE S. I. OF POLICE PARAVUR,
KOLLAM DISTRICT - 689 001.**

R1 TO 3 & R5 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 17357 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1- A TRUE COPY OF THE ORDER DATED 21/04/2015 PASSED BY THE
 2ND RESPONDENT IN PETITION BEARING NO. C - 1835/2015.**

**EXHIBIT-P2- TRUE COPY OF THE APPEAL MEMORANDUM FILED BY THE
 PETITIONER BEFORE THE 3RD RESPONDENT DATED 18/05/2015.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No. 17357 of 2015

Dated this the 18th day of June, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P1 order, which according to the petitioner is an ex-parte order. The petitioner in fact had appeared before the 2nd respondent Tribunal. But, however, on the date on which the matter was posted for hearing even going by Ext.P1 none appeared. Considering only the fact that the respondent who is the 4th respondent herein is a senior citizen of 84 years of age, the petitioner was directed to pay Rs.5000/- per month to the 4th respondent. The petitioner has filed an appeal. But, admittedly, the appeal is not maintainable under the Protection and Maintenance of Senior Citizens Act 2007.

2. The petitioner only prays that the Tribunal may reconsider the issue. Considering the fact that the petitioner had not been heard and none of the reports as contemplated under the Act of 2007 was either called for or considered by the Tribunal,

Ext.P1 would stand set aside. The petitioner shall appear before the Tribunal within a week from the date of receipt of a certified copy of this judgment. The Tribunal shall issue notice to the 4th respondent and take up the matter on condition of the petitioner paying an amount of Rs.5000/(Rupees five thousand only) /per month to the 4th respondent through the Tribunal and the Tribunal shall consider the matter expeditiously and decide on the same within two weeks from the date of appearance. The amounts paid by the petitioner to the 4th respondent for restoration of the application, shall be adjusted towards any arrears due to the 4th respondent on the basis of the final decision.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge