

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

W.P.(C).No. 25152 of 2012 (T)

PETITIONER(S):

1. SREEDHARAN P.A.
AGED 87 YEARS, S/O. LATE AYYAPPAN, HOUSE NO.28/3380A,
PALAKKATHARA HOUSE, RAVEENDRAN ROAD, KADAVANTHRA (P.O),
ELAMKULAM VILLAGE, COCHIN - 682020.
2. JANAKI, AGED 83 YEARS, W/O. P.A. SREEDHARAN, HOUSE NO.28/3380A,
PALAKKATHARA HOUSE, RAVEENDRAN ROAD, KADAVANTHRA (P.O)
ELAMKULAM VILLAGE, COCHIN - 682020.

BY ADV. SRI. R.V. SUJIT KUMAR

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695001.
(ADDRESS OF R1 CORRECTED AS STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695001
AS PER ORDER DATED 21.02.2014 IN IA 811/2014)
2. DISTRICT COLLECTOR, DISTRICT COLLECTORATE,
KAKKANAD, ERNAKULAM - 682 030.
3. REVENUE DIVISIONAL OFFICER, FORTKOCHI,
ERNAKULAM - 682 004.
4. P.S. SHANMUGHAN, AGED 64 YEARS,
S/O.SREEDHARAN, VAISHNAVAM, SAHRIDAYA ROAD,
EROOR SOUTH, TRIPUNITHARA - 682 306.

R1 TO R3 BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR
R4 BY ADVS. SMT. R.SUDHA
SMT. TEENA CHERIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P-1: TRUE COPY OF GIFTED DEED NO. 1161/98 OF ERNAKULAM SRO DATED 30.03.1998.

EXT. P-2: TRUE COPY OF APPLICATION DATED 08.12.2009 FILED BEFORE 3RD RESPONDENT UNDER THE PROVISIONS OF THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007.

EXT. P-3: TRUE COPY OF STATEMENT DATED 18.08.2010 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT IN PROCEEDINGS NO. C-7192/09 REITERATING HIS GRIEVANCES.

EXT. P-4: TRUE COPY OF STATEMENT MADE BY THE 4TH RESPONDENT BEFORE THE 3RD RESPONDENT IN THE PROCEEDINGS NO. C-7 192/2009.

EXT. P-5: TRUE COPY OF THE ORDER DATED 08.10.2010 IN PROCEEDING OF THE 3RD RESPONDENT.

EXT. P-6: TRUE COPY OF THE ORDER NO. SW3-21381/2011 DATE 16.08.2011 PASSED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

EXT. R4 (1): TRUE PHOTOCOPY OF THE PROCEDURE OF FORTKOCHI, R.D.O DATED 29.11.2010.

EXT. R4 (2): TRUE PHOTOCOPY OF THE POSTAL RECEIPT DATED 18.10.2010.

EXT. R4 (3): TRUE PHOTOCOPY OF THE RETURN INTIMATION ISSUED BY DEPARTMENT OF POST DATED 22.10.2010.

EXT. R4 (4): TRUE PHOTOCOPY OF THE CERTIFICATE ISSUED FROM L.I.C DATED 03.08.2013.

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P.(C). No. 25152 of 2012 (T)

Dated this the 16th day of June, 2015

JUDGMENT

The father and mother of the 4th respondent is before this Court claiming enhancement of the amount directed to be paid as per order of the Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the 'Act') produced at Ext. P6.

2. The petitioner's contention is that, the 1st petitioner had conveyed the entire property he had by Ext.P1 to the 4th respondent in the year 1998. The petitioners contended before the Tribunal that they have no means to live and hence the Tribunal directed the 4th respondent to pay an amount of Rs. 3,000/- every month. The appeal filed by the 1st petitioner resulted in Ext. P6, which granted an enhancement of Rs. 500/-. As of now the

4th respondent is directed to pay Rs.3,500/- to the petitioners. There is no challenge from that order by the 4th respondent.

3. The petitioners claim enhancement of the compensation to at least Rs.20,000/- per month and to set aside the gift deed produced at Ext. P1. Admittedly, the conveyance made as per Ext.P1 was only a part of the property owned by the 1st petitioner. The petitioners are also said to be residing with their daughter. The 1st petitioner again is a retired employee from the Life Insurance Corporation, entitled to pension. The 4th respondent also is a retired pensioner, who has to maintain himself and his wife with the pension. Ext. R4(4) shows that the pension drawn by the 1st petitioner is an amount of Rs. 14,764/-.

4. The prayer for setting aside Ext. P1 would not

survive for reason of the same not being a document coming under Section 23 of the Act. Looking at the totality of the circumstance, this Court is not inclined to grant any enhancement to the amount already granted by the District Collector at Ext. P6.

The writ petition hence would stand dismissed. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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