

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 34133 of 2014 (N)

PETITIONER:

**BINDHU K. , W/O.SURESH BABU T.N.,
EDATHIL HOUSE, MADATHUM BHAGAM,
VADAKKUMBAD, THALASSERY,
KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S):

- 1. MAINTENANCE TRIBUNAL AND SUB COLLECTOR,
THALASSERY, KANNUR DISTRICT - 670 101.**
- 2. N.K.REVATHI, P.V.QUARTERS,
KALIYATHAN PEEDIKA, THALASSERY,
KANNUR DISTRICT -670 101.**

**R1 BY SENIOR GOVT. PLEADER SMT.ANITHA RAVINDRAN
R2 BY ADV. SRI.R.SURENDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 34133 of 2014 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P-1: A TRUE COPY OF THE PETITION.

**EXT.P-2: A TRUE COPY OF THE NOTICE DATED 23.9.2014 FROM THE
IST RESPONDENT DIRECTING HER TO APPEAR BEFORE THE
MAINTENANCE TRIBUNAL ON 16.10.2014.**

**EXT.P-3: A TRUE COPY OF THE ORDER DATED 13.11.2014 IN M.C.C. NO.96 OF
2014 PASSED BY THE IST RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.34133 of 2014

Dated this the 13th day of January, 2015

JUDGMENT

The petitioner, who is the daughter-in-law of the 2nd respondent, is before this court challenging Ext.P3 order passed by the 1st respondent, whereby the liability has been mulcted upon her shoulders to pay a sum of Rs.2,500/- (Rupees Two five thousand and five hundred only) every month to the mother-in-law, ie. the 2nd respondent (in the absence of her husband) undertaking such liability to be cleared for and on behalf of the husband, who was not turned up before the Tribunal.

2. The main contention raised by the petitioner is that, Ext.P3 order is absolutely without any jurisdiction and that the petitioner does not come within the purview of the definition of the term under Section 2(a) (defining under the term 'children') or 'relative' as defined under Section 2(g) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. There is no question of 'pious obligation' for the petitioner to maintain the mother-in-law and if the Tribunal wants to pursue the matter, it is always open for the Tribunal to have passed orders against the husband of the petitioner. Merely for the reason that the husband

of the petitioner has not turned up before the Tribunal, such liability cannot be shifted to the shoulders of the petitioner and hence the writ petition.

3. Heard the learned counsel appearing for the 2nd respondent as well, who submits that, the son of the said respondent is now back in station and that appropriate steps are being taken to cause him to be brought up before the Tribunal.

In the above circumstances, the 1st respondent is directed to pass final orders in the petition filed by the 2nd respondent. The subject matter of Exts.P1 to P3 shall be finalised in accordance with law, after hearing all the parties concerned, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment. Implementation of Ext.P3, as against the petitioner herein, shall be kept in abeyance till such time.

The writ petition is disposed of.

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

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