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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.15862 of 2014

&

M.P.No.1 of 2014

Rajan @ Kannan

... Petitioner

Vs.

1.The Presiding Officer,
Tribunal for Maintenance and Welfare of Parents
and Senior Citizens, Karaikal.

2.The District Magistrate, Karaikal,
Appellate Authority,
(Under the Maintenance and Welfare of Parents)
and Senior Citizens Act)

3.Dharmambal

4.Saroja

5.N.Revathi

6.Minor V.Chandramouli

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the entire records pertaining to the order dated 10.02.2014 in case No.110099/CK/A3/2013 in appeal No. 01/2013 passed by the 1st respondent and quash the same.

For Petitioner : Mr.R.Sunil Kumar

For Respondent 1 : Tribunal

For Respondent 2 : Mr.J.Kumaran
Additional Government Pleader
Puducherry

For Respondents : Mr.L.Baskaran
3 to 6



O R D E R

The order dated 10.02.2014 passed by the 1st respondent / Tribunal directing the petitioner to pay a maintenance amount to the respondents 3 and 4 is under challenge in the present Writ Petition.

2. The petitioner is a Poojari by profession and undergoing treatment for having suffered a serious injury in his spine. The petitioner states with great difficulties, he is doing pooja activities. The petitioner is the sole breadwinner of his family. His family consists of his mother, wife and school going daughter. By doing pooja in small temples at Karaikal, the petitioner is meeting out his family expenditure and further he is receiving a sum of Rs.3,000/- as a rental income.

3. The 3rd respondent is the maternal grand mother of the petitioner and the 4th respondent is the mother of the petitioner. Both of them filed a petition before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens, Karaikal seeking maintenance. The Tribunal considered the said petition and passed an order awarding maintenance amount of Rs.2,000/- per month, each to the respondents 3 and 4. Challenging the said order present Writ Petition is filed.

4. The learned counsel for the petitioner made a submission that at the time of admitting the present Writ Petition, this Court had directed the petitioner to pay a sum of Rs.3,000/- per month (Rs.1,500/- each) towards maintenance for the respondents 3 and 4 and he is complying with the said order punctually. Subsequently, the petitioner came to understand that the Government of Puducherry granted a sum of Rs.4,000/- per month, as maintenance amount for the 3rd respondent and a sum of Rs.3,000/- per month, as a widow pension for the 4th respondent.

5. The respondents 3 and 4 suppressed these facts with the petitioner and receiving the maintenance amount of Rs.3,000/- per month (Rs.1,500/- each) from the petitioner for about seven years.

6. The respondents 3 and 4 occasionally comes to the house of the petitioner and at no point of time, the petitioner refused to maintain them as the 3rd respondent is his grand mother and the 4th respondent is his mother. However, the 3rd and 4th respondents are bringing other relatives along with them to the house of the petitioner, which causes great difficulties to the petitioner and his family members as they are not in a position to maintain all those relatives, who all are accompanying the 3rd and 4th respondents.



7. Under these circumstances, the petitioner protested the same and the respondents 3 and 4 have filed petition before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens, Karaikal.

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8. The learned counsel for the petitioner states that the petitioner himself is performing Pooja in small temples and earning a meagre amount and maintaining his family and with great difficulties he is paying a sum of Rs.3,000/- per month (Rs.1,500/- each) to the 3rd and 4th respondents.

9. Under these circumstances, he came to understand that the 3rd respondent is receiving a maintenance amount of Rs.4,000/- per month and the 4th respondent is receiving a sum of Rs.3,000/- per month as a widow pension from the Government. When the 3rd and 4th respondents are receiving pension from Puducherry Government they are capable of meeting their day to day expenses. Further, pursuant to the interim order passed by this Court, the petitioner is paying a sum of Rs.3,000/- per month (Rs.1,500/- each) to the respondents 3 and 4 for the past 7 years.

10. This being the factum established, this Court is of the opinion that the petitioner shall continue to pay the sum of Rs.3,000/- per month (each Rs.1500/-) to the respondents 3 and 4 towards maintenance. Thus, the maintenance amount of Rs.4000/- per month awarded by the Tribunal stands modified as Rs.3000/- per month and the petitioner is directed to pay the said amount of Rs.3000/- per month to the respondents 3 and 4.

11. Accordingly, the order impugned dated 10.02.2014 passed by the Tribunal in Case No.110099/CK/A3/2013 stands modified and the petitioner is directed to pay a sum of Rs.1500/- per month each to the respondents 3 and 4 without any default.

12. With this modification, the Writ Petition is partly allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Presiding Officer,
Tribunal for Maintenance and Welfare of Parents
and Senior Citizens, Karaikal.

2.The District Magistrate, Karaikal,
Appellate Authority,
(Under the Maintenance and Welfare of Parents)
and Senior Citizens Act)

+1cc to Mr.R.Sunil Kumar, Advocate SR. No.67365

+1cc to Government Pleader, Pondicherry SR. No.67657

W.P.No.15862 of 2014

RGN (CO)
PR (24/01/2022)