



WMP(MD). Nos.14310 & 14315 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Thursday, the Twenty Fourth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD). Nos.14310 & 14315 of 2023

in

WP(MD). Nos.6677,6676 of 2022

WMP(MD). No.14310,of 2023 in WP(MD). No.6677 of 2022

Ashok Kumar

... Petitioner/ Petitioner

Vs

1 The Revenue Divisional Officer/
Presiding Officer , Maintenance Tribunal
(Under Maintenance and Welfare of Parents
and Senior Citizen Act 2007)
Illuppur Taluk , Pudukkottai District.

2 Annaimary

... Respondent/Respondent

Prayer WMP(MD). 14310 / 2023 :

This writ Miscellaneous Petition filed under Article 226 of the constitution of India, To modify the order in WP (MD) No.6677 of 2022 dated 12.08.2022 .

Prayer in WP(MD). 6677/ 2022 :

Wit Petition filed under Article 226 of Constitution of India , praying this Court to issue of Writ Certiorari , calling for the records relating to the impugned order



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passed by the 1st respondent dated 31.08.2021 by his proceedings in Pa.Mu.654/2021/A4 , and quash the same.

WMP(MD). No.14315 of 2023 in WP(MD). No.6676 of 2022

Maria Arockia Selvi

... Petitioner/Petitioner

- Vs. -

1. The Revenue Divisional Officer ,
Presiding Officer, Maintenance Tribunal,
(Under Maintenance and Welfare of Parents
and Senior Citizen Act, 2007),
Illupur Taluk,
Pudukkottai District

2. Annaimary

... Respondent/Respondent

Prayer in WMP(MD). 14315/ 2023 :

This writ Miscellaneous Petition filed under Article 226 of the constitution of India To modify the order in W.P.(MD).No.6676 of 2022 dated 12.08.2022.

Prayer in WP(MD). 6676/ 2022 :

Wit Petition filed under Article 226 of Constitution of India , praying this Court to issue of Writ Certiorari , calling for the records relating to the impugned order passed by the 1st respondent dated 31.08.2021 by his proceedings in Pa.Mu.654/2021/A4 , and quash the same.

ORDER:- This writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. Mahalakshmi.S, Advocate for the Petitioner and of M/s. N.G.A. Nataraj, Government Advocate for the 1st respondent and K. Dinesh for



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2nd respondent, this Court made the following order:

Annaimary is the mother of Ashok Kumar and mother-in-law of Maria Arokia Selvi. Annaimary had executed 5 separate deeds of settlement in favour of her sons. Subsequently they were cancelled by the Maintenance Tribunal at the instance of Annaimary. Challenging the order passed by the Maintenance Tribunal, W.P(MD) Nos.6676 and 6677 of 2022 were filed.

2. When the matter was taken up for hearing, it was undertaken that the petitioner would pay a sum of Rs.10,000/- to Annaimary. Recording the said submission, the order of the Maintenance Tribunal was set aside and the writ petitions were allowed. Now the present modification petitions have been filed.

3. The learned counsel appearing for the petitioners points out that after the writ petitions were disposed of, Annaimary executed deeds of settlement in favour of her youngest son, namely, Ananthakumar and fourth son / Ravikumar's son Prathap. Prathap is said to be suffering from physical disability. It is also pointed out that Annaimary is receiving railway pension to the tune of Rs.17,000/- per month and she is also receiving a rental income of Rs.5000/-.

4. I went through the contents of the settlement deed executed by Annaimary. No condition has been incorporated therein. It has been held by the Hon'ble First



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Bench that where the settlement deed does not contain any condition, the Maintenance Tribunal cannot nullify the same. Yet only on moral ground, I had persuaded the petitioners' counsel to agree to pay some decent amount to Annaimary. It was not brought to my attention that Annaimary is already receiving railway pension. While Ashok Kumar is working as Teacher, Maria Arockia Selvi is a widow and she is only a home maker. The learned counsel appearing for the petitioners would state that she is dependent on her sons.

5. Taking into account all these aspects, the orders earlier passed stand modified. The liability of Ashok Kumar is reduced to Rs.5,000/- (Rupees Five Thousand only) which shall be paid as monthly maintenance to Annaimary. Maria Arockia Selvi is relieved over the obligation to pay any monthly maintenance amount.

6. These Writ Miscellaneous Petitions are disposed of accordingly.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)



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TO
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1. The Revenue Divisional Officer/
Presiding Officer , Maintenance Tribunal
(Under Maintenance and Welfare of Parents
and Senior Citizen Act 2007)
Illuppur Taluk, Pudukkottai District

2. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

+2 CC to M/s.S.MAHALAKSHMI, Advocate (SR-40022[F] & SR-40023[F] dated
24/08/2023)

ORDER DATED : 24/08/2023

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ORDER
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IN
WP(MD)6676,6677of 2023

Giving direction and etc.
as stated within.

AMS/20.09.2023 5P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023