



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7143 OF 2025

Shilabai Ramesh Pansare And Others

VERSUS

Madhavrao Alias Bhaiyasaheb Krushnaji Mandare And Another

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Advocate for Petitioners : Mr. I.S. Thorat

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 17, 2025

ORDER :-

1. The petitioners takes exception to the order dated 9.5.2025 passed by District Collector, Ahilyanagar, in appeal No.SR/DC/9C/JN/10/2024-25/2003, thereby upholding the order dated 9.7.2024 passed in application No./25/2003 by the President, Maintenance Tribunal cum Divisional Officer, Sangamner under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the said act'). (Parties hereinafter are referred to as per their original status).

2. Respondent no.1/original applicant initiated the maintenance proceeding under section 9 of the said act before Sub-Divisional Officer, at Sangamner against respondents, who are his daughters and sons, contending that although

respondent nos.1 to 5 are having sufficient means, failed to maintain applicant.

3. Per contra, respondent nos.1 to 5 refuted applicants claim contending that applicant Madhavrao has sufficient corpus in fixed deposits apart from agriculture income. Respondent no.5 contended that he is ready to maintain his applicant. Learned Sub-Divisional Officer, Sangamner, after considering rival contentions, allowed application and directed each of respondents to provide maintenance @ Rs.2,000/- p.m to applicant by 5th day of every month.

4. Respondents assailed aforesaid order in appeal before the District Collector, Ahilyanagar, who pleased to partly modify the order under appeal, thereby reduced liability of daughters to Rs.1,500/- p.m while maintaining liability of sons @ Rs.2,000/- p.m.

5. Aggrieved by the aforesaid orders, respondent nos. 1 to 4 filed present writ petition.

6. Mr.I.S.Thorat, learned advocate appearing for petitioners would submit that, petitioner no.1 to 3 are married

daughters, having no independent source of income. They are aged between 63 to 67 years. Similarly, petitioner no.4 is agricultural labour. Respondent no.1/father filed application on instigation of respondent no.2. Respondent no.1 has sufficient means to maintain himself. He kept huge amount in fixed deposits and generating income from the agriculture. In this background, impugned order could not have been passed.

7. Having considered the submissions advanced, it can be observed that there is no dispute as to relationship between the parties. Petitioner nos.1 to 3 are daughters and petitioner no.4 is son of respondent no.1 - Madhavrao, who is aged about 85 years. Respondent No.1 made application under section 9 of the said act seeking maintenance from the petitioners. Section 9 reads thus :-

9. Order for maintenance :-

(1) If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.

(2) The maximum maintenance allowance which may be ordered by such Tribunal shall be such as

may be prescribed by the State Government which shall not exceed ten thousand rupees per month.

8. Plain reading of the aforesaid provision puts an obligation upon the children who neglected or refused to maintain the senior citizen/parents, who is unable to maintain himself. Liability to pay monthly allowance to the parents arise from relationship between the parties. In this background, looking to the object of the Legislation to secure welfare of parents and senior citizens and to deal with major social challenges emerging in changed social fabric, the legislation in the form of Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 is brought.

9. In the present case, although, petitioners contended that respondent no.1-father has fixed deposits, no evidence to that effect is brought on record. There is no clarity as to the agriculture income received by him. It cannot be expected that respondent no.1, who is aged about 85 years, would generate income from the agriculture by investing his own labour. In that view of the matter, petitioners being children are definitely liable for providing maintenance to him. Further, looking to the maintenance amount @ Rs.1,500/- fixed against each of petitioner nos.1 to 3 and Rs.2,000/-

against petitioner no.4, this Court finds no reason to interfere in the impugned order. In the result, Writ Petition stands **dismissed.**

(S. G. CHAPALGAONKAR)
Judge

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