



W.P.(MD)No.679 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.679 of 2025
and W.M.P.(MD)No.464 of 2025

P.Ajin Semraj

... Petitioner

Vs.

1. The District Collector Cum Appellate Authority,
Under the Maintenance and Welfare of Parents
and Senior Citizens Act, 2007,
Kanyakumari District.
2. The Sub-Collector Cum the Tribunal,
Under the Maintenance and Welfare of Parents
and Senior Citizens Act, 2007,
Kanyakumari District.
3. Povas
4. P.Sujin
5. P.Kabin Mohandas

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertain to the impugned order passed by the 1st respondent in Mu.Mu.C3/1795534/2024 dated 16.09.2024 and quash the same as illegal.



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For Petitioner

: Mr.G.R.Satish

For Respondents

: Mr.D.S.Neduncheliyan,

Government Advocate (for R1 & R2).

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ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 16.09.2024 in the appeal preferred by the third respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Considering the nature of the order going to be passed in this writ petition, notice to the private respondents is dispensed with. Heard the learned counsel on either side.

3. The third respondent is the father of the petitioner, the fourth and fifth respondents. The third respondent settled certain properties in favour of the petitioner as well as the fourth and fifth respondents vide three documents during the year 2010, 2020 and 2023. The third respondent is a senior citizen of 72 years age. Neither the petitioner nor his brothers ie., the 4th and 5th respondents took care of the third respondent during his old age. Hence, the third respondent filed a petition before the second respondent on 04.09.2023 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007,



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seeking to cancel the settlement deeds dated 19.03.2015 and 03.07.2020 executed by him in favour of the petitioner. However, since the said settlement deed was bereft of any condition compelling the petitioner to maintain the third respondent, the second respondent rightly negated the claim of the third respondent to cancel the settlement deeds, which he had earlier executed in favour of his sons, however, made an order directing the petitioner as well as the 4th and 5th respondents to pay maintenance of Rs.1,000/- per head to the third respondent to be payable on 5th of every English calendar month. As against the said order, the third respondent preferred an appeal under section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the first respondent. The first respondent, confirming the order passed by the second respondent, directed the petitioner alone to pay maintenance of Rs.5,000/- to the third respondent every month.

4. A careful perusal of the impugned order would reveal that the third respondent is under the care and custody of the fourth respondent and the fourth respondent, who is the elder son is taking care of the third respondent. Only in view of the same, the first respondent has directed the petitioner alone to pay maintenance of Rs.5,000/- every month to the third respondent.



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5. This Court is of the considered view that all the three sons are equally responsible to take care of the third respondent father. Since the fourth respondent is already taking care of the third respondent, this Court hereby direct the petitioner and the fifth respondent to pay monthly maintenance of Rs.3,500/- per month each, on 5th of every English calendar month to the credit of the third respondent's account. Accordingly, the order passed by the first respondent in Mu.Mu.C3/1795534/2024 dated 16.09.2024 is modified.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2025

NCC : Yes / No
Index : Yes / No
Sm



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Kanyakumari District.

COPY TO:-

1. Mr. Povas,
S/o. Haris,
Karikkivilai,
Kanjikuli Post, Kalkulam,
Kanyakumari District.
2. Mr. P. Kabin Mohandas
S/o. Povas,
No. 27/146, Karikkivilai,
Kanjikuli Post, Kalkulam,
Kanyakumari District.



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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.679 of 2025

Dated:
09.01.2025