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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 887 of 2025

CNR: {HCMA012162232024}

Theresa
W/o.Mosas,
Door No.1/297, Krishanarajapuram,
Achamangalam Post,
Bargoor Taluk, Krishnagiri District.

..Petitioner(s)

Vs

M.Selavanathan
S/o.R.Mosas,
Door No.307, Krishnarajapuram,
Achamangalam Post,
Bargoor Taluk, Krishnagiri District.

..Respondent(s)

Prayer: To allow the Criminal Revision by modifying the Order dated 11/09/2024 passed in M.C.No.15 of 2023 on the file of Family Court, Krishnagiri, and enhance the maintenance amount and thus render justice.

For Petitioner(s): Mr. T.S.Baskaran

For Respondent(s): Ms. B. Gayathri for Mr. J.Pradeep

ORDER

This Criminal Revision Case has been filed by the Revision Petitioner, challenging the order dated 11.09.2024 passed in M.C.No.15 of 2023 by the learned Family Court, Krishnagiri, insofar as the learned Family Court has restricted the monthly maintenance payable to the Revision Petitioner at Rs.4,000/-, and seeking to modify the same by enhancing the maintenance

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amount, as prayed for in the maintenance petition.

2.The brief facts leading to the filing of the present Criminal Revision Case are as follows:

2.1.The Revision Petitioner, namely, Theresa, is a widow aged about 75 years and the mother of the Respondent. It is her case that she is an aged woman and is unable to maintain herself without assistance and support from her son. According to her, her husband, during his lifetime, had settled valuable agricultural properties in favour of the Respondent, and the Respondent is presently deriving substantial income from the said properties.

2.2.It is the further case of the Revision Petitioner that the Respondent is also carrying on a poultry business, apart from deriving income from agricultural lands and coconut cultivation. It is submitted that the Respondent is financially well placed and is leading a comfortable life, whereas the Revision Petitioner, being an aged widow, is unable to meet even her basic requirements, including food, clothing, medical expenses and other day-to-day necessities.

2.3.According to the Revision Petitioner, she had also given valuable gold jewels worth several lakhs of rupees to the Respondent/son, which have not been returned to her. It is further alleged that, despite having sufficient means and deriving substantial income from the properties settled in his favour by his

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father, the Respondent has neglected and failed to maintain his aged mother.

2.4In such circumstances, the Revision Petitioner filed M.C.No.15 of 2023 before the learned Family Court, Krishnagiri, seeking monthly maintenance of Rs.20,000/- together with medical expenses and other necessary expenses, contending that she is unable to maintain herself and that the Respondent has sufficient means to maintain her.

2.5The learned Family Court, after considering the materials placed before it, arrived at a finding that the Respondent, being the son of the Revision Petitioner, is duty-bound to maintain his aged mother. However, the learned Family Court restricted the monthly maintenance payable to the Revision Petitioner to a sum of Rs.4,000/-. The learned Family Court also declined to grant the amount claimed towards rental expenses, taking note of the fact that the Revision Petitioner was residing near her daughter's house.

2.6Aggrieved by the inadequacy of the maintenance amount fixed by the learned Family Court, the Revision Petitioner has preferred the present Criminal Revision Case, seeking enhancement of the monthly maintenance from Rs.4,000/- to Rs.20,000/-.

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3.This Court heard the learned counsel appearing for the Revision Petitioner and the learned counsel appearing for the Respondent and perused the materials available on record.

4.The learned counsel for the Revision Petitioner submitted that the Revision Petitioner is aged about 75 years and is an old widow who is unable to maintain herself independently. It is further submitted that the Respondent is her son and that her husband had settled valuable agricultural properties in his favour. The Respondent is deriving substantial income from the said agricultural properties, including coconut cultivation, apart from carrying on a poultry business.

5.The learned counsel further submitted that the Respondent himself, during the course of evidence before the learned Family Court, had admitted that he was deriving income from agricultural activities and coconut cultivation. However, the learned Family Court failed to properly appreciate the said admissions and the financial capacity of the Respondent while determining the quantum of maintenance.

6.It is further submitted that the Revision Petitioner had also given valuable gold jewels to the Respondent, which have not been returned. The learned counsel contended that the Respondent, having received valuable

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properties from his father and being financially capable of maintaining his aged mother, cannot shirk his responsibility towards her.

7.The learned counsel further submitted that the maintenance amount of Rs.4,000/- awarded by the learned Family Court is wholly inadequate, particularly considering the present cost of living, food, clothing, medical expenses and other essential requirements of a person aged 75 years. It is also submitted that the Revision Petitioner requires medical attention and assistance on account of her advanced age and that the amount awarded by the learned Family Court would not even be sufficient to meet her basic requirements.

8.The learned counsel therefore submitted that the learned Family Court, having categorically found that the Respondent is duty-bound to maintain the Revision Petitioner, ought to have considered the income and financial capacity of the Respondent and awarded a reasonable amount towards monthly maintenance. Hence, the learned counsel prayed for allowing the Criminal Revision Case by enhancing the maintenance amount to Rs.20,000/- per month.

9.Per contra, the learned counsel appearing for the Respondent submitted that the order passed by the learned Family Court is based on proper appreciation of the materials available on record and that the amount of maintenance awarded by the learned Family Court does not warrant

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interference. The learned counsel further submitted that the income and financial circumstances of the Respondent have to be taken into consideration while determining the quantum of maintenance.

10.This Court has carefully considered the rival submissions and perused the materials available on record.

11.At the outset, it is necessary to observe that the obligation of a son to maintain his aged and infirm mother is not merely a moral responsibility but also finds recognition under the statutory framework governing maintenance of parents. The object of the maintenance provision is to ensure that parents who are unable to maintain themselves are not left without the basic necessities of life and are able to lead their lives with dignity.

12.In the present case, there is no serious dispute with regard to the relationship between the Revision Petitioner and the Respondent. The Revision Petitioner is the mother of the Respondent and is presently aged about 75 years. At this advanced age, she is naturally dependent upon others for her day-to-day requirements and is entitled to expect reasonable care, support and maintenance from her son.

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13.It is also relevant to note that the learned Family Court itself has arrived at a finding that the Respondent is duty-bound to maintain the Revision Petitioner. Having arrived at such a finding, the learned Family Court was required to determine the quantum of maintenance by taking into consideration not only the immediate requirements of the Revision Petitioner but also the financial capacity and standard of living of the Respondent.

14.The primary question that arises for consideration in the present Revision is whether the monthly maintenance of Rs.4,000/- awarded by the learned Family Court is reasonable and sufficient to enable the Revision Petitioner, who is aged about 75 years, to maintain herself with dignity.

15.This Court is of the view that the amount of Rs.4,000/- awarded by the learned Family Court is wholly inadequate in the present circumstances. It is common knowledge that the cost of essential commodities, food, clothing, medical treatment and other basic necessities has substantially increased. An amount of Rs.4,000/- per month cannot reasonably be expected to meet the requirements of an aged widow, particularly when she requires regular medical attention and assistance on account of her advanced age.

16.It is further relevant to note that the Revision Petitioner has specifically pleaded that the Respondent is deriving income from agricultural

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properties settled in his favour by his father and is also carrying on a poultry business. It is her specific case that the Respondent is deriving an annual agricultural income of approximately Rs.5,00,000/-, apart from his other sources of income.

17.The learned counsel for the Revision Petitioner has also drawn the attention of this Court to the evidence of the Respondent, wherein he is stated to have admitted that he is deriving income from agricultural activities and coconut cultivation. Such admissions assume relevance while considering the financial capacity of the Respondent. The learned Family Court ought to have considered the nature of the agricultural properties, the income derived therefrom and the other sources of income attributed to the Respondent, while fixing the quantum of maintenance.

18.This Court is conscious of the fact that the mere ownership of agricultural properties or the carrying on of a business would not, by itself, establish the exact income of a person. However, when the Respondent is admittedly deriving income from agricultural activities and other sources, his financial capacity cannot be assessed in isolation or by merely taking a narrow view of his income.

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19.It is also necessary to bear in mind that the Revision Petitioner is not claiming maintenance as a matter of charity. She is seeking maintenance as a matter of legal entitlement from her son, who is legally and morally expected to ensure that she is not left without the basic necessities of life during her old age.

20.In this regard, the judgment of the Hon'ble Supreme Court in ***Kamalakant Mishra v. Additional Collector and Others, 2025 SCC OnLine SC 2077***, assumes considerable significance.. In the said case, the Hon'ble Supreme Court considered the plight of a senior citizen whose son had taken possession of the properties belonging to the senior citizen and had not permitted him to reside therein. The Supreme Court noticed that the High Court had interfered with the order passed by the Maintenance Tribunal directing the son's eviction, inter alia, on an erroneous understanding of the status of the parties.

21.The Hon'ble Supreme Court, while restoring the order of the Tribunal, emphasised the beneficial character of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and observed that the legislative framework was enacted to address the plight of older persons and to secure their care and protection. The Court held that, being a welfare legislation, the provisions of the Act must be construed liberally so as to advance its beneficent purpose. The Hon'ble Supreme Court further observed that the Tribunal is well within its powers to order eviction of a child or relative from the property of a senior

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citizen when there is a breach of the obligation to maintain the senior citizen.

22.Significantly, the Hon'ble Supreme Court found that the son, despite being financially stable, had acted in breach of his statutory obligations by not permitting the senior citizen to reside in his properties, thereby frustrating the very object of the legislation. The High Court's interference was consequently set aside. The relevant paragraphs are extracted as under:

> *"6. The High Court in allowing the appeal has proceeded on the presumption that the respondent is also a senior citizen as per section 2(h) of the Act, as his date of birth is 04.07.1964. It observed that the Tribunal could not have allowed appellant's complaint since it was made against another senior citizen. This in our view is erroneous. The record shows that the appellant had moved an application before the Tribunal on 12.07.2023 and at that point in time, the respondent's age was 59 years. Relevant date for consideration would be the date of filing the application before the Tribunal.*
>
> *7. The framework of the Act clearly notes that the law was enacted to address the plight of older persons, for their care and protection. Being a welfare legislation, its provisions must be construed liberally so as to advance its beneficent purpose. This Court on several occasions has observed that the Tribunal is well within its powers to order eviction of a child or a relative from the property of a senior citizen, when there is a breach of the obligation to maintain the senior citizen.2 In the present case, despite being financially stable, the respondent has acted in breach of his statutory obligations in not allowing the appellant to reside in the properties owned by him, thereby frustrating the very object of the Act.*

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High Court fell in error in allowing the writ petition on a completely untenable ground.

8. Accordingly, the appeal is allowed. The impugned judgment of the High Court is set aside and the writ petition is dismissed."

23.The principle emerging from ***Kamalakant Mishra (supra)*** is that the protective legislation concerning senior citizens cannot be interpreted in a manner which permits an aged parent to be deprived of the security and dignity of residence while the dispute remains pending. Though the said decision arose under the Senior Citizens Act, the underlying principle concerning protection of the residence and welfare of an aged parent is relevant to the humanitarian and protective approach required in the present case.

24.A similar approach was adopted by the High Court of Madhya Pradesh in ***Smt. Sumantra Bai Mehra v. Smt. Parvati Mehra @ Rinki Mehra, Miscellaneous Petition No.4895 of 2024,*** decided on 14.10.2024, reported at Neutral Citation No.***2024:MPHC-JBP:63228***. In that case, the petitioner, a 73-year-old widow, had alleged that she was forcibly thrown out of her house by her daughter-in-law and sought restoration of possession under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Maintenance Officer had directed restoration of possession, which was subsequently interfered with by the appellate authorities. The High Court set aside those orders and directed restoration of possession to the aged mother-in-law.

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25.The Madhya Pradesh High Court, after considering the judgment of the Hon'ble Supreme Court in S. Vanitha v. Deputy Commissioner, Bengaluru Urban District, held that "maintenance" under Section 2(b) of the Senior Citizens Act includes food, clothing, residence and medical attendance and treatment. The Court further observed that where an aged owner of a house has been thrown out, the power to secure residence to the senior citizen necessarily includes the power to restore possession where such restoration is required to give meaningful effect to the welfare legislation.

26.More importantly, in ***Sumantra Bai Mehra (supra)***, the High Court specifically dealt with the situation of a mother-in-law who had been thrown out of the house and observed, in substance, that an owner of a house cannot be thrown out of her own residence in such a manner and that the protective provisions of the Senior Citizens Act must be given a meaningful interpretation so as to secure residence to an aged person. The Court ultimately directed that possession of the property be restored to the petitioner, while also recognising the competing rights of the daughter-in-law. The relevant paragraphs are extracted as under:

> *"33.The respondent is directed to give possession to the owner of the property i.e. mother-in-law. As the daughter-in-law is also having a right and share in the property of her husband coupled with the fact that she is entitled for shared household in her matrimonial house and having a right to reside in her matrimonial house (as in the present case*

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she is already residing there), therefore, she may not be evicted from the house in question. As far as the right of the owner is concerned, mother-in-law is the owner of property. She is having full right and for possession of property, she cannot be evicted or thrown out of the property the manner in which it has been done in the present case."

27.In this context, the observations of the Hon'ble Supreme Court in ***Vijaya Manohar Arbat v. Kashirao Rajaram Sawai, (1987) 2 SCC 278 : 1987 SCC (Cri) 329 : AIR 1987 SC 1100***, are of considerable relevance. The Hon'ble Supreme Court held that a parent who is unable to maintain himself or herself can claim maintenance from a son or daughter and observed that a daughter does not cease to be a daughter merely because she is married. The Court further emphasised that Indian society casts a duty upon children to maintain their parents when they are unable to maintain themselves and that it is also their duty to look after their parents when they become old and infirm. The relevant paragraphs are extracted here under:

"6. There can be no doubt that it is the moral obligation of a son or a daughter to maintain his or her parents. It is not desirable that even though a son or a daughter has sufficient means, his or her parents would starve. Apart from any law, the Indian society casts a duty on the children of a person to maintain their parents if they are not in a position to maintain themselves. It is also their duty to look after their parents when they become old and infirm.

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12. We are unable to accept the contention of the appellant that a married daughter has no obligation to maintain her parents even if they are unable to maintain themselves. It has been rightly pointed out by the High Court that a daughter after her marriage does not cease to be a daughter of the father or mother. It has been earlier noticed that it is the moral obligation of the children to maintain their parents. In case the contention of the appellant that the daughter has no liability whatsoever to maintain her parents is accepted, parents having no son but only daughters and unable to maintain themselves, would go destitute, if the daughters even though they have sufficient means refuse to maintain their parents"

28.The Hon'ble Supreme Court further recognised that the obligation to maintain parents is not confined only to sons and that a daughter also continues to have an obligation towards her parents even after marriage. The underlying principle laid down in the said judgment is that aged parents who are unable to maintain themselves should not be left to suffer merely because their children choose not to discharge their responsibilities.

29.The principle laid down in ***Vijaya Manohar Arbat (supra)*** is directly relevant to the present case. The Revision Petitioner is a 75-year-old widow who has approached the Court seeking reasonable maintenance from her son. At this stage of her life, she requires not merely financial assistance but also the

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assurance that her basic needs, medical requirements and day-to-day expenses will be taken care of.

30.The Hon'ble Supreme Court in ***Rajnesh v. Neha, reported in (2021) 2 SCC 324***, has also laid down comprehensive principles governing the determination of maintenance. The Hon'ble Supreme Court has emphasised that the determination of maintenance must take into consideration the status of the parties, the reasonable needs of the claimant, the income and financial capacity of the respondent, the standard of living enjoyed by the parties and the other relevant circumstances.

31.The Hon'ble Supreme Court has further recognised that the object of maintenance is to ensure that the dependent party is able to live with reasonable dignity and is not reduced to a state of destitution. The quantum of maintenance should therefore be determined by adopting a realistic approach, keeping in view the actual requirements of the person claiming maintenance and the financial capacity of the person from whom maintenance is claimed.

32.Applying the above principles to the facts of the present case, this Court is of the view that the learned Family Court has not adequately considered the advanced age of the Revision Petitioner, her medical requirements and the income-generating capacity of the Respondent while

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fixing the monthly maintenance at Rs.4,000/-.

33.It is further relevant to note that the Revision Petitioner has specifically claimed that she requires medical expenses in addition to her ordinary maintenance. At the age of 75 years, medical requirements cannot be treated as an incidental or insignificant expenditure. The possibility of recurring medical expenses, medicines, medical consultations and assistance for day-to-day activities has to be taken into consideration while determining a reasonable amount of maintenance.

34.An amount which may appear sufficient for meeting the ordinary food expenses of a person may not necessarily be sufficient to meet the overall requirements of an aged widow. The maintenance amount must take into account the totality of her needs, including food, clothing, shelter, medical treatment and other essential requirements.

35.This Court is also unable to accept the approach of the learned Family Court in rejecting the claim towards rental expenses merely on the ground that the Revision Petitioner is residing near her daughter's house. The fact that an aged mother is presently residing near or with her daughter cannot, by itself, be treated as a ground to deny her reasonable maintenance. The assistance extended by a daughter out of affection and family responsibility cannot be

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converted into a reason to reduce the statutory obligation of the son.

36.A daughter providing temporary shelter or assistance to her aged mother does not absolve the son of his corresponding responsibility to maintain her. The Revision Petitioner cannot be compelled to depend entirely upon the goodwill and financial capacity of her daughter when the Respondent is also legally expected to maintain her.

37.This Court is of the view that the learned Family Court ought to have considered the actual circumstances in which the Revision Petitioner is residing and whether she has adequate and independent financial resources to meet her requirements. The mere fact that she is residing near her daughter's house does not establish that she is financially independent or that she does not require reasonable financial assistance from her son.

38.There is also a human dimension to the present dispute which this Court cannot lose sight of. The Revision Petitioner is an aged mother who has reached the evening of her life. At this stage, she requires care, affection, financial support and medical assistance. A parent who has spent her life bringing up and taking care of her children should not be compelled to approach the Court repeatedly for even the basic financial assistance required for her survival.

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39.The obligation of a child towards an aged parent cannot be viewed merely as a financial transaction. It is a responsibility arising out of the family relationship and the basic values of care and dignity which every child is expected to uphold. Though the Court cannot compel affection, it can certainly enforce the statutory obligation to provide reasonable maintenance to a parent who is unable to maintain herself.

40.This Court is therefore of the considered view that the maintenance amount of Rs.4,000/- fixed by the learned Family Court is not commensurate with the requirements of the Revision Petitioner or the financial capacity attributed to the Respondent. The amount requires enhancement so as to enable the Revision Petitioner to meet her essential expenses and lead a life with reasonable dignity.

41.Considering the age of the Revision Petitioner, the fact that she is a widow aged about 75 years, the agricultural income and other sources of income attributed to the Respondent, the medical and other essential requirements of the Revision Petitioner and the present cost of living, this Court is of the view that a sum of Rs.10,000/- per month would be a reasonable amount towards maintenance in the facts and circumstances of the present case.

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42.This Court makes it clear that the above enhancement is confined to the determination of maintenance in the present proceedings and shall not be construed as a final determination of the Respondent's income or any proprietary rights relating to the agricultural properties. The rights and contentions of the parties in respect of any other proceedings are left open.

43.In such view of the matter, this Court is of the considered opinion that the order dated 11.09.2024 passed by the learned Family Court, Krishnagiri, in M.C.No.15 of 2023, insofar as it restricts the monthly maintenance payable to the Revision Petitioner to Rs.4,000/-, warrants interference by this Court.

44.Accordingly, this Criminal Revision Case is **allowed** in the following terms:

i. The order dated 11.09.2024 passed by the learned Family Court, Krishnagiri, in M.C.No.15 of 2023, is modified insofar as the quantum of maintenance is concerned.

ii. The monthly maintenance payable by the Respondent to the Revision Petitioner is enhanced from Rs.4,000/- to Rs.10,000/- (Rupees Ten Thousand only) per month.

iii. The Respondent shall pay the enhanced maintenance amount of Rs.10,000/- on or before the 15th day of every succeeding English calendar month, commencing from the date of this order, i.e. from the month of November 2026.

iv. The Respondent shall continue to pay the maintenance amount regularly and without any default.

vi. The claim of the Revision Petitioner for medical expenses and other specific expenses, if any, shall be considered in accordance with law on the basis of the materials placed before the competent Court.

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45.The Respondent, being the son of the Revision Petitioner, is expected to understand the difficulties faced by his aged mother and discharge his responsibility towards her without driving her to further rounds of litigation. The Court expects the Respondent to ensure that the Revision Petitioner is not deprived of the basic necessities required for her peaceful and dignified life.

46.It is made clear that the observations made in this order are confined to the determination of the maintenance amount in the present Criminal Revision Case and shall not affect the rights and contentions of the parties in any other proceedings concerning the properties or other disputes between them.

47.With the above observations and directions, this Criminal Revision Case is **allowed**. Consequently, the connected miscellaneous petition, if any, is closed. No costs.

27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The Family Court, Krishnagiri.

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SHAMIM AHMED, J.

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