



2026:KER:64761
CNR : KLHC011045392025

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

TUESDAY, THE 18TH DAY OF AUGUST 2026 / 27TH SRAVANA, 1948

WP(C) NO. 46758 OF 2025

PETITIONER(S)/ PETITIONER:

**K. THANKAMMA,
AGED 83 YEARS
, NANDANAM, NO.52, MUTTATHIL LANE, KADAVANTHRA
P.O., KOCHI,
PIN - 682020**

**BY ADVS.
SHRI.K.RADHAKRISHNAN NAIR
SRI.SAJEN THAMPAN
SHRI.SHYAM NAIR**

RESPONDENT(S)/ RESPONDENT:

- 1 MOLJIMOL K.S @ MOL G MOL K.S,
AGED 52 YEARS
KALATHIL HOUSE, KOTTAMURI P.O., THRIKKODITHANAM
VILLAGE, CHANGANACHERRY TALUK, KOTTAYAM,
PIN - 686105**

- 2 KRISHNAPRIYA RAJKUMAR,
AGED 22 YEARS
KALATHIL HOUSE, KOTTAMURI P.O., THRIKKODITHANAM
VILLAGE, CHANGANACHERRY TALUK, KOTTAYAM,
PIN - 686105**



- 3 SUB COLLECTOR, MAINTENANCE TRIBUNAL & SUB COLLECTOR,
TRIBUNAL FOR THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZEN, FORT KOCHI,
PIN - 682001
- 4 DISTRICT COLLECTOR, APPELLATE TRIBUNAL & DISTRICT COLLECTOR, APPELLATE TRIBUNAL FOR THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZEN, ERNAKULAM,
PIN - 682011

BY ADVS.
SHRI.ADHIL P.
SHRI.SHABEER ALI MOHAMED
SHRI.V.B.UNNIRAJ
SMT. JINU SAMYAKTHA FOR PETITIONER
SMT. POOJA SURENDRAN, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.08.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner is stated to be the mother of one T.Raj Kumar, who passed away while he was serving as a Senior Superintendent with the Kerala State Electricity Board (KSEB). The respondents 1 and 2 were the wife and the daughter of deceased Raj Kumar. After the death of Raj Kumar as above, the petitioner- mother sought to institute proceeding under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act') seeking for maintenance from the 1st and 2nd respondents herein. The Maintenance Tribunal, pursuant to Ext.P3 order dated 29.09.2023 took note of the fact that the petitioner has already been paid one third of the benefits payable to the deceased excluding the PF portion (at that point of time), and therefore, closed the application filed by the petitioner. Not satisfied with the afore order, the petitioner preferred a further appeal. The District Collector, pursuant to Ext.P6 order dated 14.09.2025, rejected the appeal, confirming the original order issued by the Maintenance Tribunal. It is in the said circumstances, the petitioner has presented the



captioned writ petition seeking to challenge Ext.P3 as confirmed by Ext.P6.

2. I have heard Smt.Jinu Samyuktha Padmakumar, representing Sri.K.Radhakrishnan Nair, the learned counsel for the petitioner, as well as Sri.Adhil P., the learned counsel for the party respondents herein.

3. According to the learned counsel for the petitioner, the orders at Exts.P3 and P6, to the extent, the maintenance sought for by the petitioner was declined is incorrect and arbitrary. She would submit that since admittedly, her deceased son Raj Kumar was employed with the KSEB, the party respondents are duty bound to maintain the petitioner also. She would further add that the petitioner is entitled for her share of the monthly pension being received by the 1st respondent herein.

4. *Per contra*, Sri.Adhil, the learned counsel for the party respondents sought to rely on the averments contained in the counter affidavit filed by the party respondents to state that an amount in excess of Rs.12 Lakhs have already been paid to the petitioner directly by the employer KSEB, and the party



respondents are not expected to maintain the petitioner since admittedly to the petitioner is herself a service pensioner with respect to her employment with the Fisheries Department, State of Kerala as well as pension arising out of the service of her late husband who was a senior officer.

5. I have considered the rival contentions as well as the connected records.

6. As already noticed, the petitioner's prayer is only for a direction to the respondents to pay a sum of Rs.15,000/- as monthly maintenance to the petitioner. Facts are not in dispute. The 1st and 2nd respondents are the wife and daughter of deceased Raj Kumar, the son of the petitioner herein. Raj Kumar was employed with KSEB. After his death, the service benefits were proposed to be disbursed to the respondents herein. However, at that point of time, the petitioner, in her capacity as the mother of the deceased, raised a claim, and on that basis, the employer KSEB has paid an amount of Rs.12,28,646/- directly to the petitioner herein. This payment is also not disputed by the petitioner.

7. Therefore, the only question to be considered is as to



whether the party respondents are expected to maintain the petitioner.

8. The afore issue requires to be answered, with reference to the provisions of the Act. Admittedly, the provisions of the afore Act are applicable only as regards “children” as defined under Section 2(a) of the Act read with the provisions of Section 2(g) defining the term “relative”. It is not in dispute that the daughter-in-law is not covered by the provisions of Section 2(a). However, the learned counsel for the petitioner would contend that the 2nd respondent would in any event fall under the definition of “children” as well as “relative”, and therefore the 2nd respondent is expected to maintain her. I am at loss to understand the basis of such a contention since admittedly the 2nd respondent is only a student. The petitioner, the grandmother of the 2nd respondent is not expected to raise such unreasonable demands, especially when it is pointed out in the counter affidavit filed by the 1st and 2nd respondents that the 2nd respondent is a student, who is undergoing studies after obtaining credit facilities from the Union Bank of India.

9. Furthermore, the learned counsel for the petitioner,



as noticed earlier also raised a contention to the effect that the petitioner-mother is also entitled for her share of the family pension that is being paid to the 1st respondent herein.

10. In my opinion, under the provisions of the Act, the petitioner- the senior citizen is not at all entitled to seek for disbursement of the family pension that is being paid to the 2nd respondent -wife of the deceased. This is not visualized with reference to the provisions of the Act. If the petitioner has such a case, her remedy lies elsewhere.

On the whole, I am of the opinion that the petitioner is not entitled for any reliefs, as sought for in this writ petition. This is especially so since, it is pointed out by the party respondents that the petitioner herself is a service pensioner, which fact is also not disputed by the petitioner.

In the said circumstances, I find no reason to interfere with order at Exts.P6 issued by the 4th respondent. Resultantly, this writ petition would stand dismissed.

Sd/-

HARISANKAR V. MENON
JUDGE

SRJ



APPENDIX OF WP(C) NO. 46758 OF 2025

PETITIONER'S EXHIBITS

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| Exhibit P1 | TRUE COPY OF APPLICATION FOR MAINTENANCE PREFERRED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 29.06.2023. |
| Exhibit P 2 | TRUE COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT BEFORE THE 3RD RESPONDENT DATED 18.08.2023. |
| Exhibit P3 | TRUE COPY OF ORDER ISSUED BY THE 3RD RESPONDENT IN S 4517/2023/K. DIS. DATED 29.09.2023. |
| Exhibit P4 | TRUE COPY OF THE APPEAL PREFERRED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 27.04.2024. |
| Exhibit P5 | TRUE COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT BEFORE THE 4TH RESPONDENT DATED 12.06.2025. |
| Exhibit P6 | TRUE COPY OF THE ORDER ISSUED BY THE 4TH RESPONDENT IN DCEKM/4273/2024-M6 DATED 14.09.2025. |

RESPONDENTS' EXHIBITS

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| Exhibit R1(a) | THE TRUE COPY OF THE EDUCATION LOAN SANCTION LETTER AND LOAN DETAILS ISSUED BY UNION BANK OF INDIA DATED 09.01.2024. |
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