MAINTENANCE TRIBUNAL (SUB-COLLECTOR), ATHAMALLIK

Maintenance Case No. 01 of 2026 (MWPSC Act, 2007)

Balaram Pradhan and Kuntala Pradhan … Applicants v. their sons … Opposite Parties

Decided on 29 September 2026

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 – Sections 4 and 5. Elderly parents unable to maintain themselves are entitled to a monthly maintenance allowance from their adult sons, together with medical care and peaceful residence in the ancestral house. Default attracts enforcement under sections 5(8) and 11 of the Act.

Result: Application allowed. Monthly maintenance fixed; opposite parties to provide care and residence.

ORDER

29.09.2026

1. The present proceeding arises out of an application filed under Section 4 read with Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act") by the senior citizen petitioners, Sri Balaram Pradhan and Smt. Kuntala Pradhan.

2. The petitioners stated that they are elderly, physically frail, and unable to maintain themselves out of their own limited resources. They sought monthly financial maintenance and care from their adult sons, the Opposite Parties, under the provisions of the Act

3. The petition was taken up on record on 23.07.2026 and duly registered as Maintenance Case No. 01/2026. Notices were issued to the Opposite Parties pursuant to Section 5(3) read with Section 6(2) of the Act directing them to appear and show cause.

APPEARANCE & STATEMENT OF THE OPPOSITE PARTY

4. In response to the notice, Opposite Party No. 1, Sri Pramod Pradhan, appeared before the Tribunal on 28.07.2026, and his deposition was recorded in open court:

5. He is approximately 35 years old and operates an electrical instrument repairing shop at Kishorenagar.

6. His household comprises his wife, one son, and one daughter.

7. Opposite Party No. 1 submitted that while he is willing to provide basic shelter, care, and food to his elderly parents, he expressed difficulty in providing monetary assistance citing limited income and family liabilities.

INQUIRY FINDINGS & LAND/INCOME REPORT

8. To ascertain the factual position regarding landed properties, financial standing, and the actual living conditions of both parties, a field inquiry was requisitioned from the Tahasildar, Kishorenagar (Office Letter No. 3879 / Dt. 03.09.2026) through the Revenue Inspector (R.I.), Bamur

9. Upon perusal of the inquiry report submitted by the Tahasildar, Kishorenagar (Letter No. 3861 / Dt. 24.09.2026) along with R.I. Bamur Inquiry Report (No. 220 / Dt. 22.09.2026), the following material findings were placed on record:

10. The petitioners reside at Sahadebandhupali. They receive an Old Age Pension of $Rs.1,000/-$ per month each and receive subsidized grain under the Public Distribution System (PDS).

11. The petitioners hold Ac. 4.095 of agricultural land and Ac. 0.055 of Gharabari (homestead) land (out of a total joint land holding of $Ac. 9.01. However, they solely cultivate the ancestral agricultural land and lack any other independent or stable commercial source of income. Due to advanced age, they are physically and financially incapable of maintaining themselves.

12. Opposite Party No. 1 runs an electrical repair business at Kishorenagar, earning an estimated annual income of Rs. 3,000,000.00$ (Rs3.00Lakhs. He possesses sufficient financial capacity to maintain his parents.

FINDINGS AND ISSUES FOR CONSIDERATION

13. Eligibility under Section 4 of the Act: Section 4(1) of the Act establishes that a senior citizen or parent who is unable to maintain himself/herself from his/her own earning or out of the property owned by him/her is entitled to claim maintenance from his/her major children.

14. Inability to Self-Maintain: The inquiry report clearly establishes that the monthly Old Age Pension of Rs.1,000/-each is grossly insufficient to meet the rising costs of living, nutrition, and medical expenses associated with old age.

15. Obligation of the Children: The statutory burden rests upon the major working sons to ensure their parents live a life of dignity. Opposite Party No. 1 possesses adequate independent earning capacity from his business to support his elderly parents.

16. In light of the statutory mandate under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, after perusal of all records, depositions, and official inquiry reports, it is hereby ordered that:

17. Opposite Party No. 1 (Sri Pramod Pradhan) and Opposite Party No. 2 (Sri Binod Pradhan) are directed to pay a combined monthly maintenance allowance of Rs.4,000/- (Rupees Four Thousand only) per month Rs.2,000/- each to Petitioner No. 1 and Petitioner No. 2) to ensure their basic needs, food, clothing, and sustenance.

18. The monthly maintenance amount shall be paid/credited directly into the bank account of Petitioner No. 1 (Sri Balaram Pradhan) on or before the 10th day of each succeeding English calendar month, commencing from October 2026.

19. The petitioners shall provide their savings bank account details to the Opposite Parties / Tribunal within 7 days

20. The Opposite Parties shall ensure proper medical treatment, care, and peaceful residential accommodation for the petitioners at their ancestral residence without causing any harassment or interference.

21. Failure to pay the maintenance allowance within the stipulated timeframe shall invite penal action under Section 5(8) and Section 11 of the Act, including the issuance of a warrant for levying the amount due or imprisonment as prescribed under the law.

22. Pronounced and given under my hand and seal of this Tribunal on this 29th day of September, 2026.

Maintenance Tribunal, Athamallik

Sd/-

Presiding Officer, Maintenance Tribunal, Athamallik

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