MAINTENANCE TRIBUNAL (SUB-COLLECTOR), ATHAMALLIK

Maintenance Case No. 05 of 2026 (MWPSC Act, 2007)

Ananta Charan Sahoo and Umabati Sahoo … Applicants v. their two sons … Opposite Parties
Decided on 29 September 2026

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 – Sections 4 and 5. Where the sons undertake before the Tribunal to provide residence, food, medical care and respect whenever the parents choose to stay with either of them, the Tribunal records the undertaking and binds them to it, reserving liberty to the parents to come back if it is broken.

Result: Disposed of on the undertaking of the sons, with liberty to the parents to approach the Tribunal again.

ORDER

BRIEF BACKGROUND OF THE CASE

1. The present proceeding has been initiated upon an application filed by the senior citizen parents, Sri Ananta Charan Sahoo and Smt. Umabati Sahoo, 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") against their two sons, Sri Rajakishore Sahoo and Sri Brajakishore Sahoo.

2. The applicants submitted that they are advanced in age, physically and financially vulnerable, and unable to maintain themselves out of independent cash income. They filed the petition seeking maintenance, care, and medical expenses from their well-placed sons.

3. The application was taken up on record on 23.07.2026 and registered as Maintenance Case No. 05/2026. Notices were issued to the Opposite Parties pursuant to Section 5(3) read with Section 6(2) of the Act directing them to appear before the Tribunal on 28.07.2026.

APPEARANCE & DEPOSITIONS OF THE OPPOSITE PARTIES

4. On 28.07.2026, both petitioners and both Opposite Parties were present before the Tribunal. Detailed statements/depositions of both Opposite Parties were recorded separately by the Presiding Officer:

5. Deposition of Opposite Party No. 1 (Sri Rajakishore Sahoo, Age ~50):

6. Stated that he disagrees with the allegations made against his younger brother. he is willing to take his parents with him and provide caretaking. Expressed unwillingness to provide direct cash/monetary assistance to his parents due to apprehension of misappropriation by his younger brother.

7. Deposition of Opposite Party No. 2 (Sri Brajakishore Sahoo, Age ~50):

8. Stated that he disagrees with the allegations levelled against him. he is willing to take his parents with him and provide caretaking. Expressed unwillingness to provide direct cash/monetary assistance to his parents due to apprehension of misappropriation by his elder brother.

INQUIRY FINDINGS & REPORT OF THE TAHASILDAR

9. To verify the income, landed properties, and financial status of the parties, a field inquiry was requisitioned from the Tahasildar, Kishorenagar (Office Letter No. 4104 / Dt. 17.09.2026) through the Revenue Inspector (R.I.), Bamur.Upon perusal of the inquiry report submitted by the Tahasildar, Kishorenagar (Letter No. 3862 / Dt. 24.09.2026) along with the field report of R.I., Bamur, the following facts are established on record:

Status of Applicants

10. The complainants reside at Oskapali. Both receive an Old Age Pension of Rs.1,000/-$ each per month, along with subsidized ration through PDS.The applicant father owns 12.47 acres of agricultural land and 0.30 acres of gharabari (homestead) land.Despite owning agricultural land, they lack an independent source of cash income, are physically and financially vulnerable, and are unable to maintain themselves independently.

Professional & Income Status of Opposite Parties

11. Opposite Party No. 1 (Sri Rajakishore Sahoo): Serves as a State Government Upper Primary (U.P.) School Teacher in Angul, with an estimated annual income of Rs. 5,00,000/-

12. Opposite Party No. 2 (Sri Brajakishore Sahoo): Serves as a State Government Class-II OAS Officer currently posted as the Tahasildar of Maneswar in Sambalpur District, with an estimated annual income of Rs.13,00,000/-.

EVALUATION & LEGAL ANALYSIS

13. Upon careful examination of the application, inquiry reports, depositions, and statutory provisions under the Act, this Tribunal arrives at the following conclusions:

14. Under Section 4(1) read with Section 5 of the Act, an order for maintenance is attracted only when major children or legal heirs neglect or refuse to maintain a senior citizen who is unable to maintain himself/herself. In the present case, both Opposite Parties (sons) have recorded unequivocal statements before this Tribunal stating their complete readiness and willingness to house, feed, care for, and maintain their elderly parents in their respective homes. There is no evidence on record to indicate that either son has refused or neglected to support his parents. The applicant father owns a substantial landed estate comprising 12.47 acres of agricultural land and 0.30 acres of homestead land, in addition to receiving monthly state pensions and subsidized food grains. The applicants are not propertyless or destitute. The primary object of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is to ensure that senior citizens live with dignity, shelter, protection, and care. Where both sons are fully prepared to provide residence, food, healthcare, and full physical care in their households, the demand by the parents for a separate cash allowance—stemming largely from underlying inter-sibling disputes—is not justified.

15. In light of the above findings, this Tribunal holds that no case of neglect or refusal to maintain has been established under Section 4 of the Act. Accordingly, IT IS HEREBY ORDERED THAT:

16. The prayer for awarding monthly monetary maintenance to the applicants is hereby REJECTED, and Maintenance Case No. 05/2026 is DISPOSED OF.

17. Both Opposite Party No. 1 (Sri Rajakishore Sahoo) and Opposite Party No. 2 (Sri Brajakishore Sahoo) shall remain bound by their statements made before this Court. They shall extend full hospitality, comfortable residential accommodation, nutritious food, medical care, and filial respect to the applicants whenever the parents choose to reside with either of them.

18. Liberty is reserved to the applicant parents to re-approach this Tribunal if the Opposite Parties fail to honor their undertaking or refuse to provide shelter, food, and care in the future..

19. 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

Odisha Revenue Laws · Revenue Court Orders. Reported for the reference of revenue officers. The order applies to its own facts; check the current law before relying on it.