MAINTENANCE TRIBUNAL (SUB-COLLECTOR), ATHAMALLIK

Maintenance Case No. 15 of 2025 (MWPSC Act, 2007)

Narmada Thati (through her daughter Manjari Pradhan) … Petitioner v. Gangadhar Thati … Opposite Party

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Maintenance and Welfare of Parents and Senior Citizens Act, 2007 – Step-mother neglected by step-son in possession of family property. A senior citizen neglected by the son of her husband's first wife, who has the family property, may claim maintenance from him. Where the parties refuse conciliation, the Tribunal decides the claim itself and fixes maintenance, with enforcement available under sections 11 and 12 of the Act.

Result: Maintenance ordered; case disposed of.

ORDER

1. The case is taken up today . The petitioner, Smt Manjari Pradhan, elder daughter of the late Gupteswar Thati, and Narmada Thati, widow of late Gupteswar Thati, were present on call. Also, the 2nd daughter of the late Gupteswar Thati, Ranjita Lauria D/O, was present on call. the proceedings began with hearings.

2. The petitioner stated that she is the daughter of the late Gupteswar Thati and Narmada Thati (The second wife of Gupteswar Thati). The defendant is the son of 1st wife of Gupteswar Thati. Although her elder brother, i.e. Gangadhar Thati, does not provide their mother with shelter, food and other support, his elder son has neglected him. During his medical treatment, they neglected him, and she had to visit her house.

3. The defendant admitted the fact. He agreed to extend necessary assistance as decided by the Court.

4. . She often visits her brother's house or takes their mother with her for medical treatment. She requested to mandate that her brother contribute to their father's medical expenses.

5. During the hearing, I noted that no counsellor has been appointed to mediate between the defendants and the petitioner. After reviewing, I found that they are unwilling to compromise. Although rule 3 of the Orissa Maintenance of Parents and Senior Citizens Rules 2009 allows for the appointment of conciliation officers, they previously opted out of counselling as an agreement made on 30.03.2021 has failed. As a result, I will not appoint any counsellor this time.

6. Rule 14 of the Orissa Maintenance of Parents and Senior Citizens Rules 2009 reads as follows

> *"The maximum maintenance allowance which a Tribunal may order the opposite party to pay shall, subject to a maximum of rupees ten thousand per month be fixed in such a manner that it does not exceed the monthly income from all sources of the opposite party, divided by the number of persons in his family, counting the applicant or applicants also among the opposite party's family members"*

7. Rule 13 of the Orissa Maintenance of Parents and Senior Citizens Rules 2009 reads as follows

8. : “While passing an order under sub-rule (1) directing the opposite party to pay maintenance to an applicant, the Tribunal shall consider the following

9. Amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation and healthcare.

Income of the opposite party and

10. Value of actual and potential income from the property if any of the applicants that the opposite party would inherit and /or is in possession of .

11. I need to examine the economic condition of the defendant as well as the applicant prior to passing any order. Ask the Tahasildar Athmallik to enquire on the above queries and report before 03.10.2025.

Presiding Officer Sub Divisional Tribunal

12. cum Sub Collector Athamallik

13. Amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation and healthcare.

14. Answer- The mother of the applicant is receiving a Widow's pension of Rs. 1000/. Also receiving PDS Rice of 5 Kilo per month. She has been extended a BSKY Card by the Government of Odisha to meet the healthcare costs. She does not have any accommodation as the defendant is not allowing his stepmother (Narmada Thati) to stay in his house. As such, an amount of Rs. 500/ will be sufficient to meet the healthcare.

Income of the opposite party

15. Answer- Perused the letter no. 221 dated 15.09.2025 of the Revenue Inspector, Madhapur. It reveals that the defendant is in possession of 4.35 acres of land of Khata No. 73 & 74 of Mouza-Kandhapada, which is a joint property recorded in the name of his father and others. The annual income of the defendant is RS. 180000/ from all sources. As the ancestral landed properties are not yet recorded in the name of the defendant, the resumption order cannot be passed.

16. Value of actual and potential income from the property if any of the applicants that the opposite party would inherit and /or is in possession of.

17. Answer- Given the kind of land, all are rice-cultivating land. Hence, his earning from these sources is Rs. 120000/ annually.

18. Defendant (Gangadhar Thati): The defendant is in possession of 4.35 acres of joint ancestral property (Khata No. 73 & 74, Mouza-Kandhapada), recorded in the name of his late father and others, yielding an annual income of Rs. 1,20,000 from rice cultivation. His total annual income from all sources is Rs. 1,80,000, equivalent to Rs. 15,000 per month. The defendant’s family consists of himself, his wife, and two children (total 4 members, plus the applicant, making 5 members).

19. Legal Provisions: The case is governed by the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, read with the Orissa Maintenance of Parents and Senior Citizens Rules, 2009.

20. Rule 13: The Tribunal must consider: a) The applicant's basic needs for food, clothing, accommodation, and healthcare. b) The income of the opposite party. c) The value of actual/potential income from any property the applicant may inherit or possess.

21. Rule 14: The maximum maintenance allowance shall not exceed Rs. 10,000 per month and must not exceed the opposite party's monthly income divided by the number of family members, including the applicant

Maintenance Calculation

22. The applicant's basic needs, including food, clothing, accommodation, and supplementary healthcare, are estimated at Rs. 2,000 per month, considering her lack of housing and minimal pension.

23. The defendant's monthly income is Rs. 15,000, and his family, including the applicant, comprises 5 members. Thus, the maximum permissible maintenance under Rule 14 is Rs. 15,000 / 5 = Rs. 3,000 per month.

24. However, given the defendant's admission of neglect, his possession of substantial ancestral property, and the applicant's dire situation, a reasonable maintenance amount is warranted within the legal cap.

25. Property Consideration: The ancestral property (4.35 acres) is jointly recorded and not yet mutated in the defendant's name. Hence, no resumption order can be passed under Section 23 of the Act, as the property was not directly transferred by the applicant to the defendant with a condition of maintenance

26. Having considered the submissions, the Tahasildar's report, and the provisions of the Act and Rules, I pass the following order:

27. Maintenance Allowance: The defendant, Gangadhar Thati, is directed to pay a monthly maintenance allowance of Rs. 500 to the applicant, Smt. Narmada Thati, to meet her basic needs for food, clothing, accommodation, and supplementary healthcare. This amount is within the cap prescribed under Rule 14, considering the defendant's monthly income of Rs. 15,000 and family size of 5 (including the applicant).

28. Medical Expenses: The defendant shall contribute to the applicant's medical expenses, beyond those covered by the BSKY card, up to a maximum of Rs. 6,000 per annum, upon production of valid medical bills by the petitioner or Ranjita Lauria. This is to ensure shared responsibility, as the daughters are also supporting the applicant.

29. No Conciliation: As noted in previous orders, the parties previously failed to reach an agreement under Rule 3 on 20.06.2025 and remain unwilling to compromise. Therefore, no conciliation officer is appointed.

30. Enforcement: In case of non-compliance, the applicant may approach this Tribunal for enforcement under Sections 11 and 12 of the Act, including attachment of the defendant's property or income, if necessary. The defendant is cautioned that willful disobedience may attract penalties under Section 21 of the Act.

31. The case is disposed of accordingly. Parties to bear their own costs.

32. Presiding Officer, | Sub Divisional Tribunal | cum Sub Collector, Athamallik | *** *** *** *** *** | ଅଧିନ୍ତା

[Passage in Odia in the original order; not reproduced here.]

33. Presiding Officer, | Sub Divisional Tribunal | cum Sub Collector, Athamallik | *** *** *** | Memo Date | Presiding Officer, | Sub Divisional Tribunal | cum Sub Collector, Athamallik

Sd/-

Presiding Officer, Maintenance Tribunal, Athamallik

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