MAINTENANCE TRIBUNAL (SUB-COLLECTOR), ATHAMALLIK

Maintenance Case No. 36 of 2025 (MWPSC Act, 2007)

Bholeswar Sahu … Petitioner v. Dharmananda Sahu and Swadhin Sahu … Opposite Parties
Decided on 2025 (maintenance payable from 01.11.2025)

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 – Orissa Maintenance of Parents and Senior Citizens Rules, 2009 – Rules 13 and 14 – Fixing the amount. The maintenance allowance must stay within the ceiling of Rs. 10,000 a month under Rule 14 and must be proportionate to the income of the children, taking into account the factors in Rule 13. Rs. 2,000 a month from each of two sons was fixed accordingly.

Result: Each son directed to pay Rs. 2,000 a month to the petitioner from 01.11.2025.

ORDER

1. Rule 14 of the Orissa Maintenance of Parents and Senior Citizens Rules 2009 read 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"*

2. Rule 13 of the Orissa Maintenance of Parents and Senior Citizens Rules 2009 read as follows

> *"While passing an order under sub rule (1) directing the opposite party to pay maintenance to an applicant the Tribunal shall consider the following*

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

Income of the opposite party and

4. Value of actual and potential income from the property if any of the applicant which the opposite party would inherit and /or is in possession of .

5. Perused the letter dated 3956 dated 24.09.2025 of the Tahasildar Athmallik and letter number 131 dated 22.09.2025 of the Revenue Inspector Kiakata, which read as follows

> *"The complainant Bholeswar Sahu and his wife are residing with their sons Dharmananda Sahoo and Swadhin Sahu jointly in the village Tapdhol. The complainant and his wife receive old age pension@Rs.1000/ each from the Government. The annual income of Dharmananda Sahu is Rs. 100000/ from other sources, and the annual income of Swadhin Sahu is about Rs. 60000/ from other sources".*

The RI report shows

> *"Holding No. 156/43 of village Tapdhol, having a total area of Ac. 1.19, is recorded in the name of Bholeswar Sahu S/O- Raghunath Sahu. All of them are residing in the village Tapdhol".*

Findings

6. The petitioner and his wife require financial support to meet their basic needs, including food, clothing, accommodation, and healthcare. Their sole income is the old-age pension of Rs. 2000/- per month (Rs. 1000/- each), which is insufficient for their sustenance. The annual incomes of the defendants are Rs. 1,00,000/- (Dharmananda Sahu) and Rs. 60,000/- (Swadhin Sahu), translating to monthly incomes of approximately Rs. 8,333/- and Rs. 5,000/-, respectively. The landed property (Ac. 1.19) recorded in the petitioner's name has been distributed to the defendants, and no income is derived from it by the petitioner. Considering the family size (including the petitioner and his wife), the maintenance amount must be reasonable and within the defendants' capacity to pay.

Determination of Maintenance

7. After considering the basic needs of the petitioner and his wife, and the incomes of the defendants, the Tribunal deems it fit to award a total maintenance of Rs. 4,000/- per month to the petitioner and his wife, to be shared equally by the defendants. Accordingly, Dharmananda Sahu shall pay Rs. 1,000/- per month, and Swadhin Sahu shall pay Rs. 500/- per month, totalling Rs. 1500/- per month for the maintenance of the petitioner and his wife. This amount is within the ceiling of Rs. 10,000/- per month as prescribed under Rule 14 and is proportionate to the defendants' incomes

8. The defendants, Dharmananda Sahu and Swadhin Sahu, are directed to pay a monthly maintenance of Rs. 2,000/- each to the petitioner, Bholeswar Sahu, and his wife, starting from 01.11.2025. The payments shall be made by the 5th of every month directly to the petitioner's bank account or through any other mode as mutually agreed. Non-compliance with this order shall attract penalties as per the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Sd/-

Presiding Officer, Maintenance Tribunal, Athamallik

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