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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 29TH DAY OF JULY 2025 / 7TH SRAVANA, 1947

RPFC NO. 253 OF 2025

AGAINST THE ORDER/JUDGMENT DATED 29.04.2022 IN MC
NO.71 OF 2017 OF FAMILY COURT, KOLLAM

REVISION PETITIONER(S)/RESPONDENT IN THE M.C.:

UNNIKRISHNA PILLAI
AGED 57 YEARS
S/O.KUTTAPPA KURUP, ARYA BHAVAN, KIZHAKKANELA P.O.,
PARIPPALLY VILLAGE, KOLLAM, PIN - 691574

BY ADVS.
SHRI.B.MOHANLAL
SMT.P.S.PREETHA
SHRI.ASWIN V. NAIR
SHRI.KARTHIK J SEKCHAR
SHRI.ABIJITH M.
SMT. AVANI NAIR
SMT.JAYAPRABHA ARJUN
SMT.PRAVEENA T.
SHRI.MOTTY JIBY VASUDEVAN

RESPONDENT(S)/PETITIONER IN THE M.C. AND STATE:

1 JANAKI AMMA @ JANAMMA AMMA
AGED 100 YEARS
W/O.LATE KUTTAPPA KURUP, KALLUVETTAMKUZHI VEEDU
(VADAKKEVILA VEEDU), KIZHAKKANELA P.O., PARIPPALLY
VILLAGE, KOLLAM, PIN - 691574



- 2 THE DISTRICT COLLECTOR
COLLECTORATE, CUTCHERY P.O., KOLLAM, PIN - 691013
- 3 THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, CUTCHERY, KOLLAM, PIN - 691001
- 4 THE VILLAGE OFFICER
PARIPPALLY VILLAGE, PARIPPALLY P.O., KOLLAM,
PIN - 691574

BY ADV.
SR PP, SRI. HRITHWIK C S

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR
ADMISSION ON 29.07.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

**CR****P.V.KUNHIKRISHNAN, J**-----
R.P.(F.C) No.253 of 2025
-----Dated this the 29th day of July, 2025**ORDER**

A 92-year-old mother knocked on the doors of the Family Court, Kollam, for getting maintenance from her own son. The petitioner herein, who is her son, contested the case. The petitioner's 92-year-old mother was forced to enter the witness box in the Family Court. She was thoroughly cross-examined by his counsel. Thereafter, the Family Court, Kollam, directed the petitioner to pay maintenance to his 92-year-old mother @ Rs. 2,000/- per month as per the order dated 29.04.2022 in M.C. No.71/2017. Challenging the order of maintenance, this Revision Petition is filed by the son along with a delay



condonation petition to condone the delay of 1149 days in filing the Revision Petition when revenue recovery proceedings are initiated against him for the recovery of the amount. At the time of filing the petition, the mother of the petitioner was 92, and now she is aged 100 and waiting for the maintenance from his son! I am forced to say that, I feel deeply ashamed, being a member of this society, where a son is fighting with his mother, aged 100, merely to deny her a monthly maintenance of Rs. 2,000/-!

2. The case of the 1st respondent before the Family Court reads like this:

The 1st respondent is the mother of the petitioner. She is aged 92 years at the time of filing the petition, and she is suffering from age-related infirmities. She is unable to do any physical work, and thereby she is not able to maintain herself. She has no independent source of income. Now, she is under the care and protection of her other son, Janardhana Kurup, aged 72 years. Janardhana Kurup is also



looking after her son Radhakrishna Pillai, who is a mentally retarded person. In addition to the said children, the 1st respondent has another son and two daughters too. The petitioner is an able-bodied man, aged 50 years. He is an agriculturist and earns Rs. 25,000/- per month. It is also stated that the petitioner is a loading worker. Though the 1st respondent requested the petitioner to give maintenance, he refused to do so. Therefore, the maintenance application was filed by the 1st respondent under Section 125 Cr.P.C. for getting maintenance @ Rs. 5,000/- per month.

3. The petitioner filed an objection before the Family Court. The relationship with the 1st respondent is admitted. The case of the petitioner is that the elder son of the 1st respondent, who has an axe to grind against the petitioner, is acting from behind the 1st respondent, and the mother is merely a tool in the hands of the elder son of the 1st respondent. According to the petitioner, the mother, under the elder son's influence and coercion, filed the claim



petition. It is also stated that, when the petitioner was only 6 years of age, his elder brother cunningly took possession of all the assets of the parents by creating a partition deed whereby he got a lion's share of the properties. Afterwards, when the petitioner attained majority and demanded his share in the family estates, he was assaulted by the said brother, and thereby he had to elope from the place. Subsequently, he returned to his native place and resided along with his mother, who is the 1st respondent herein, and with the mentally retarded brother, Radhakrishna Pillai. After the marriage, the petitioner resided in a house constructed by himself. His mother and the mentally challenged brother were also residing with him. Things being so, about 3 years before, the said brother, Janardhanan Pillai, took the mother and the mentally challenged brother to his house with an eye to appropriate their assets in his favour, is the contention of the petitioner. Ever since the petitioner demanded his share of the family estate, the said Janardhanan Pillai has used all



means to vex and harass the petitioner. Finding no other alternative, the petitioner has preferred O.S.No.251/2016 before the Munsiff's Court, Paravur. It is also stated that the petitioner is illiterate, and his wife is also afflicted with many diseases, and his only son is a student. Since he is unable to meet all his household expenses with the meagre income from his agriculture, he is depending on his in-laws for aid. It is the case of the petitioner that, he is ready and willing to look after the affairs of his mother, if she comes and stays with him. It is also the case of the petitioner that the 1st respondent does not require an amount of Rs. 5,000/- per month for her maintenance. Hence, he prayed for the dismissal of the petition.

4. To substantiate the case, the 1st respondent, mother was examined as PW1. No evidence was adduced by the petitioner. The Family Court, as per the impugned order, directed the petitioner to pay an amount of Rs. 2,000/- per month as maintenance to the 1st respondent mother.



Aggrieved by the same, this Revision Petition (F.C.) is filed.

5. Heard the learned counsel appearing for the petitioner.

6. Counsel for the petitioner reiterated the contentions raised in the objection filed by the petitioner before the Family Court. The counsel also takes me through the exhibits produced along with the Revision Petition. According to the counsel, the case was filed by the 1st respondent at the instance of her elder son, who is the elder brother of the petitioner.

7. This Court considered the contentions of the petitioner. At the time of filing the claim petition, the 1st respondent mother was aged 92 years. She has now reached the age of 100 years. There is no dispute that the 1st respondent is the mother of the petitioner. It is sad to see that the son is not ready to take care of his mother and is fighting in court of law to deny maintenance to his own mother. His contention is that the mother has means, and



the petition was filed by her at the instance of his elder brother. I am of the considered opinion that the petitioner ought to have avoided the situation in which his mother is entering a court hall for maintenance under Section 125 Cr.P.C. A son is indebted to his parents in so many ways, and it is the duty of the son to serve his parents. A mother is her son's home base. Even when he grows up and has a new woman in his life, and gets a new home, he is still her son. No matter your age, you will always need your mother. Despite the profound bond between a mother and her son, when the son gets married and starts his own family, he often forgets that his mother still needs him in her life. It takes so little effort to call our mothers, yet we often forget that just hearing our voice can make their day. Mother is the person who gives birth and nurtures the child. In such circumstances, as I mentioned earlier, the petitioner, who is the son of the 1st respondent, should be ashamed because his mother filed a petition under Section 125 Cr.P.C. for



getting maintenance before the Family Court.

8. When the parents grow old, their tastes, attitudes and temperaments may differ. There will be childish habits in all people when they become old. We should remember that when we were children, our mother showed patience with us, even when we became impatient or upset over simple matters. In the same way, when they become old, we should be patient with them. Old people may show childish stubbornness, and therefore it is the duty of the children to calm them down with understanding and patience. The success of the children depends on that.

9. The petitioner now raises different contentions to deny maintenance to the 1st respondent mother. He says that she has means, and there are other children with the mother, and they are not looking after her. In a petition filed under Section 125 Cr.P.C. by the mother for maintenance against her son, it is not a defence to the son that there are other children to maintain the mother and therefore he need



not pay maintenance. Even if the other children are not maintaining or even if they are taking any negative attitude, it is the duty of the petitioner who is admittedly the son of the 1st respondent, to look after the affairs of his own mother. Otherwise, he is not a human being. I am forced to say this because such contentions are raised by the petitioner. Another contention raised by the petitioner is that the elder son of the 1st respondent, who is the elder brother of the petitioner, is responsible for filing the petition. Even if that is true, it is the duty of the petitioner to see that such a situation does not arise and that it should be solved within the four walls of the house. A 92-year-old mother ought not have approached a court of law for getting maintenance when her children are alive.

10. Yet another contention raised by the petitioner is that he is ready to maintain the mother if the mother is ready to come and stay with him. It is not a charity; it is the duty of every son to look after his mother. If he fails to do



so, he should be ashamed of himself. Moreover, the Family Court granted only Rs. 2,000/- per month as maintenance to his own mother as per the impugned order. The above order was passed on 29.04.2022. This Revision Petition is filed with a delay condonation petition to condone the delay of 1149 days. I am of the considered opinion that this Revision Petition is to be dismissed with heavy costs to the petitioner. But, no notice is issued to the 1st respondent. Therefore, I am not dismissing the case with cost. There is nothing to interfere with the impugned order.

Accordingly, this Revision Petition (Family Court) is dismissed *in limine*.

Sd/-

P.V.KUNHIKRISHNAN, JUDGE