



MAJESTY LEGAL

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EVALUATION OF THE JUDGEMENT

(KALYAN SHAH V. MOSMAT RASHMI PRIYA¹)

In this case, a civil miscellaneous application was filed in which the Hon'ble Patna High Court set aside the impugned order passed by the Family Court, Khagaria and directed the learned Court to pass fresh order on the petition of the respondent for interim maintenance in accordance with law.

OBSERVATIONS OF THE HON'BLE COURT:

- The daughter-in-law cannot claim maintenance under Section 125² of Cr.P.C. but she can claim the same under section 19³ of the Hindu Adoption and Maintenance Act. 1956
- The object of Section 19 of the Act is making it clear that the widowed daughter-in-law can claim maintenance from her father-in-law only when she is unable to maintain herself out of her own property or from the estate of her husband, father, mother, son or daughter.
- It is also provided that the father-in-law shall be under no obligation to maintain his daughter-in-law except in cases where there is some ancestral property in his possession from which the daughter-in-law has not obtained any share.
- The obligation of father-in-law shall not be enforced if he has no means to maintain his daughter-in-law from any coparcenary property in his possession out of which the daughter-in-law has not obtained any share and any such obligation cease on the remarriage of the daughter-in-law.
- The Court set aside the impugned order dated 09.01.2018 passed by learned Principal Judge, Family Court, Khagaria in which the petitioner is directed to pay an interim maintenance of Rs.10,000/- per month to the respondent.

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¹ Civil Miscellaneous Jurisdiction No. 354 of 2018

² Section 125 of Code of Criminal Procedure, 1973 deals with an order for maintenance of wife, children and parents

³ Maintenance of widowed daughter-in-law

⁴ Majesty legal is law firm, established in 2013 by Ms. Mahi Yadav and aim of this analysis of the judgment is to provide insights on law and statutes.