

2. Right Of Maintenance- Polity

Timing of husband's death doesn't deny the right of maintenance- Supreme Court backs widow's claim on income from father-in-laws' property The Supreme Court ruled that a widowed daughter-in-law is entitled to maintenance from her father-in-law's estate under HAMA, 1956, regardless of when her husband died. This judgment establishes that maintenance liability is attached to the inherited estate and cannot be denied on arbitrary technical grounds regarding the timing of widowhood.

1. Core Ruling

Verdict- The Supreme Court ruled that a widowed daughter-in-law is entitled to claim maintenance from her father-in-law's estate.

Legal Basis- This entitlement is grounded in the *Hindu Adoptions and Maintenance Act, 1956*, specifically interpreting who qualifies as a "dependant."

2. Background of the Dispute

Origin- The conflict arose regarding the estate of the late Dr. Mahendra Prasad, who passed away in December 2021.

Trigger Event- His son, Ranjit Sharma, passed away in March 2023. Following this, Ranjit's wife (Geeta Sharma) sought maintenance from the estate of her late father-in-law.

Family Court's Stance (Dismissal) - The Family Court dismissed Geeta Sharma's petition.

Reasoning- It argued that she was not a widow *at the precise time* of her father-in-law's death (since her husband died later). Therefore, she did not qualify as a "dependant" under the strict interpretation of the Act.

High Court's Stance (Reversal)- The High Court overturned the Family Court's decision.

Holding- It held that a widow of a son qualifies as a dependant under HAMA, regardless of the timing.

Supreme Court's Stance (Affirmation)- The Apex Court upheld the High Court's ruling.

Clarification- It established that liability for maintenance is tied to the *estate*, not just the individual, and the timing of widowhood is irrelevant.

3. About Hindu Adoptions and Maintenance Act (HAMA), 1956

Purpose- Enacted to codify laws relating to adoption and maintenance among Hindus, Buddhists, Jains, and Sikhs, replacing diverse customary practices with a uniform legal framework.

Key Sections involved in this Ruling

Section	Provision
Section 21	Definition of Dependants- Defines "dependants" as the deceased's close relatives. This list explicitly includes parents, children, unmarried daughters, widows of a son, and minor illegitimate children.
Section 22	Obligation of Heirs- Mandates that heirs who inherit the estate of a deceased Hindu are obligated to maintain the deceased's dependants from that estate. This liability is proportionate to the share of the estate they receive.

4. Supreme Court's Legal Reasoning

Interpretation of "Dependants" (Section 21) - The Court analyzed Section 21(vii) which lists "any widow of his son" as a dependant.

Ruling- The phrase is clear and unqualified. It does *not* specify that the woman must already be a widow at the moment of the father-in-law's death.

Irrelevance of Timing- The Court declared that the timing of the husband's death is immaterial. Whether the daughter-in-law became a widow *before* or *after* the father-in-law's death does not affect her status as a dependant entitled to maintenance.

Estate-Centric Liability (Section 22)- The obligation to maintain is estate-centric, not person-centric. Once heirs inherit the property, the burden of maintaining dependants attaches to the property itself. All legal heirs are bound to this duty proportionately.

Reference to Ancient Texts (Manu Smriti)

Verse- The Court quoted *Manu Smriti* (Chapter 8, Verse 389)- "*No mother, no father, no wife, and no son deserves to be forsaken. A person who abandons these blameless relatives should be fined six hundred*

units by the king." This was used to underscore the traditional moral duty of the family head to support dependants, particularly female members, reinforcing the modern legal interpretation.

5. Constitutional and Social Significance

Article 14 (Right to Equality)– The Court noted that distinguishing between widows based solely on the date of their husband's death (relative to the father-in-law's death) is arbitrary. Such a distinction violates the fundamental right to equality.

Article 21 (Right to Life and Dignity)– Denying maintenance on technical grounds (like the timing of death) undermines the widow's right to live with dignity. It exposes women to the risk of social marginalisation and destitution.

Conditional Nature of Maintenance– The right is not absolute or automatic in all scenarios.

Condition– Maintenance is granted only if the widow is unable to maintain herself from her own earnings or other property.

6. Relevant Judicial Precedents

Case	Ruling & Significance
Raj Kishore Mishra v. Meena Mishra (1994)	Allahabad HC– Ruled that a father-in-law's obligation is unenforceable if he has no means to support the daughter-in-law from coparcenary property (ancestral property) from which she received no share. Highlighting the link between property and maintenance.
Amar Kanta Sen v. Sovana Sen (1960)	Calcutta HC– Held that a wife is entitled to maintenance even if living in adultery or unchastity, <i>provided</i> she cannot support herself. If she is financially independent, no maintenance is required. This emphasizes financial need as the primary criterion.

Source– <https://economictimes.indiatimes.com/wealth/legal/will/timing-of-husbands-death-doesnt-deny-the-right-of-maintenance-supreme-court-backs-widows-claim-on-income-from-father-in-laws-property/articleshow/126545452.cms?from=mdr>