



2025:DHC:7047-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 31.07.2025***Judgment pronounced on: 20.08.2025***

+ MAT.APP.(F.C.) 303/2024, CM APPL. 52917/2024, CM APPL. 72192/2024, CM APPL. 8781/2025, CM APPL. 22992/2025 & CM APPL. 33206/2025

GEETA SHARMA**.....Appellant**

Through: Mr. Vikas Singh, Sr. Adv. with
Mr. Varun Singh, Ms. Deepeika
Kalia, Ms. Alankriti Dwivedi,
Ms. Somesa Gupta, Ms.
Vasudha Singh & Mr. Sudeep
Chandra, Advs.

versus

KANCHANA RAI & ORS.**.....Respondents**

Through: Mr. Parag P Tripathi, Sr. Adv.
Ms. Niyati Kohli, Mr. Pratham
Vir Agarwal & Mr. Nilay
Gupta, Advs. for R-2 & 3.
Mr. Trideep Pais, Sr. Adv. with
Mr. Shravanth Shanker, Adv.
for Applicant Uma Devi.

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR****J U D G M E N T****ANIL KSHETARPAL, J.**

1. Through the present Appeal filed under Section 19 of the



Family Courts Act, 1984, the Appellant¹ assails the correctness of the impugned judgement and order dated 27.08.2024², passed by Ld. Judge, Family Court-01, South-East District, Saket Courts, New Delhi³ in HAMA No.09/2023 captioned ***Geeta Sharma vs. Kanchana Rai & Ors.***, whereby the Petition filed by the Appellant under Sections 19, 21, 22 and 23 of the Hindu Adoption and Maintenance Act, 1956⁴ was found to be non-maintainable in view of Section 22 of the HAMA and was accordingly dismissed.

2. The question of law requiring adjudication of this Court in the present Appeal is whether a daughter-in-law, who becomes a widow after the demise of her father-in-law, is entitled to claim maintenance from the estate derived from coparcenary property of her deceased father-in-law. Since the issue before this Court pertains solely to a pure question of law being answered, hence, it is considered neither necessary nor appropriate to set out the detailed factual matrix leading to the present case. In view thereof, only the facts relevant and/or material for the adjudication of the question of law in regard to the issue at hand shall be referred to hereinafter.

3. The Appellant became a widow after the death of her husband on 02.03.2023, whereas her father-in-law, namely Dr. Mahendra Prasad, had pre-deceased his son, having passed away on 27.12.2021. Pursuant thereto, the Appellant filed a Petition under Section 19 of the HAMA. However, the Petition filed by the Appellant has been dismissed by the Family Court on the ground that it was not

¹ Plaintiff before the Ld. Single Judge.

² Hereinafter referred to as 'Impugned Order'.

³ Hereinafter referred to as 'the Family Court'.

⁴ Hereinafter referred to as 'the HAMA'.



maintainable in view of the bar contemplated under Section 22 of the HAMA. The relevant provisions of the HAMA are reproduced hereinbelow and is to be read as under:

19. Maintenance of widowed daughter-in-law.—(1) *A Hindu wife, whether married before or after the commencement of this Act, shall be entitled to be maintained after the death of her husband by her father-in-law:*

Provided and to the extent that she is unable to maintain herself out of her own earnings or other property or, where she has no property of her own, is unable to obtain maintenance—

(a) from the estate of her husband or her father or mother, or

(b) from her son or daughter, if any, or his or her estate.

(2) Any obligation under sub-section (1) shall not be enforceable if the father-in-law has not the means to do so from any coparcenary property in his possession out of which the daughter-in-law has not obtained any share, and any such obligation shall cease on the remarriage of the daughter-in-law.

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21. Dependants defined.—*For the purposes of this Chapter “dependants” mean the following relatives of the deceased:—*

(i) his or her father;

(ii) his or her mother;

(iii) his widow, so long as she does not re-marry;

(iv) his or her son or the son of his predeceased son or the son of a predeceased son of his pre-deceased son, so long as he is a minor: provided and to the extent that he is unable to obtain maintenance, in the case of a grandson from his father’s or mother’s estate, and in the case of a great-grandson, from the estate of his father or mother or father’s father or father’s mother;

(v) his or her unmarried daughter, or the unmarried daughter of his predeceased son or the unmarried daughter of a predeceased son of his predeceased son, so long as she remains unmarried: provided and to the extent that she is unable to obtain maintenance, in the case of a granddaughter from her father’s or mother’s estate and in the case of a great-grand-daughter from the estate of her father or mother or



father's father or father's mother;

(vi) his widowed daughter: provided and to the extent that she is unable to obtain maintenance—

(a) from the estate of her husband; or

(b) from her son or daughter if any, or his or her estate; or

(c) from her father-in-law or his father or the estate of either of them;

(vii) any widow of his son or of a son of his predeceased son, so long as she does not re-marry: provided and to the extent that she is unable to obtain maintenance from her husband's estate, or from her son or daughter, if any, or his or her estate; or in the case of a grandson's widow, also from her father-in-law's estate;

(viii) his or her minor illegitimate son, so long as he remains a minor;

(ix) his or her illegitimate daughter, so long as she remains unmarried.

22. Maintenance of dependants.—(1) *Subject to the provisions of sub-section (2), the heirs of a deceased Hindu are bound to maintain the dependants of the deceased out of the estate inherited by them from the deceased.*

(2) Where a dependant has not obtained, by testamentary or intestate succession, any share in the estate of a Hindu dying after the commencement of this Act, the dependant shall be entitled, subject to the provisions of this Act, to maintenance from those who take the estate.

(3) The liability of each of the persons who takes the estate shall be in proportion to the value of the share or part of the estate taken by him or her.

(4) Notwithstanding anything contained in sub-section (2) or sub-section (3), no person who is himself or herself a dependant shall be liable to contribute to the maintenance of others, if he or she has obtained a share or part the value of which is, or would, if the liability to contribute were enforced, become less than what would be awarded to him or her by way of maintenance under this Act.

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28. Effect of transfer of property on right to maintenance.—*Where a dependant has a right to receive maintenance out of an estate and such estate or any part thereof is transferred, the right to receive*



maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of the right.

4. This Court has heard the learned senior counsel for the parties at length and with their able assistance, has perused the paper book as well as the trial court record. The learned senior counsel for the parties have jointly apprised this Court that there exists no direct judicial precedent squarely covering the specific question of law arising for consideration before this Court in the present issue at hand. Accordingly, it becomes apposite to consider and rely upon the provisions of HAMA to decide the matter at hand.

5. Section 19(1) of the HAMA confers upon a widowed daughter-in-law a statutory right to claim maintenance from her father-in-law, thereby recognising his legal obligation in form of a liability to provide for her sustenance in event of the demise of her husband. However, upon reading of Section 19(2) of the HAMA, it is noted that such statutory right of the widowed daughter-in-law creating a legal obligation upon the father-in-law, poses a significant restriction to the liability conferred upon the father-in-law. The provision limits the liability of the father-in-law only to the extent of his coparcenary property. While making it abundantly clear that if the father-in-law does not possess any coparcenary property and maintenance is sought from his self-acquired property or any other assets that do not qualify as a coparcenary property, the widowed daughter-in-law will have no enforceable right.

6. Section 21(vii) of the HAMA expressly provides that a widow is entitled to seek maintenance from the estate of her father-in-law. A



meticulous and careful examination of Clause 7(i) reveals that the widow of a deceased son is expressly included within the definition of “dependants” provided thereunder. The Clause defines the scope of the term “dependants” for the purpose of maintenance under the purview of the statute, and as such it provides that “dependants mean the widow of the son of the deceased, provided and to the extent that she is unable to obtain maintenance from her husband’s estate, or from her son or daughter or their estate, also from her father-in-law’s estate”. The language used in this clause implies that a widowed daughter-in-law is entitled to claim maintenance from her father-in-law’s estate, contingent upon her status as a dependant, who is unable to secure maintenance from her husband’s estate, or from her own or her children’s estate.

7. In particular, the expression, “*also from her father-in-law’s estate*”, is indicative of the legislative intent to ensure that the liability arising out of the said clause is not merely confined to the father-in-law rather it survives as an enforceable claim against his estate. Therefore, such maintenance can be awarded not only against the father-in-law but also from the estate of the father-in-law.

8. Section 28 of the HAMA lays down that right to maintenance can be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous. The overall scheme of the Act, as a codified enactment governing the rights and obligations relating to maintenance under the aegis of Hindu Law, clearly recognises the widow’s statutory right to claim maintenance from her father-in-law’s estate. This provision operates as a safeguard ensuring that the widow’s statutory right remains operable even against evasion *via*



transfers. The intent behind this provision is to preclude any attempts made to defeat the maintenance obligations through property transfers, thereby preserving the enforceability of the widowed daughter-in-law's claim against the estate of her father-in-law or those who receive such property.

9. The liability of father-in-law regarding the maintenance of his widowed daughter-in-law also emerges from Section 19 of the HAMA. Notably, under Section 19(2) of the HAMA, it is provided that the liability of the father-in-law to maintain is not personal in nature rather is limited to the extent of any coparcenary property in his possession. To put it in other words, even if the father-in-law owns significant separate or self-acquired assets, the duty to maintain arises only from the coparcenary property which would subsequently form a part of his estate after his death.

10. Section 19(1) of the HAMA, as discussed in the preceeding paragraph, recognises and affirms that a widowed daughter-in-law has a statutory entitlement to claim maintenance from her father-in-law's estate. Section 21(vii) of the HAMA further reinforces this interpretation by explicitly recognizing her as a "dependant", thereby affirming her entitlement within the ambit and scope of definition provided therein. Similarly, Section 22 of the HAMA reiterates this view because the liability of heirs is restricted only to the extent of estate received by them. Furthermore, Section 28 of the HAMA buttresses the conclusion drawn by this Court. By ensuring that a widowed daughter-in-law's right to maintenance does not diminish and remains enforceable against the estate even upon its transfer. A conjoint reading of the aforestated provisions support the conclusion



that the widowed daughter-in-law's claim for maintenance against the estate of her father-in-law is grounded firmly within the statute.

11. Moreover, the HAMA is quintessentially a social welfare legislation, enacted with an intention to infuse traditional norms of a Hindu Society with principles of equity, fairness and family protection. The main objective behind its enactment was not only to provide a legal framework, but also to safeguard the vulnerable persons including dependants, wife, children or aged parents. Therefore, the provisions herein shall be construed in such a manner that advances the right of widowed daughter-in-law. Moreover, to ensure that a destitute widowed daughter-in-law is not deprived of maintenance, especially in circumstances where her father-in-law has left behind an estate, the words in Section 19(1) of the HAMA cannot be construed narrowly. Such restrictive interpretation would fall short of the parliamentary intent behind the enactment of the statute which was to ensure the protection of those who lack other means of support.

12. Lastly, while interpreting the provisions of legislation like the HAMA, the Court is expected to take a pragmatic and a holistic approach, the one that aligns seamlessly with the objects, reasoning, principles and the intentions as provided for by the ancient law givers; More so due to the reason that even prior to the codification of the HAMA, the scriptures of Hindu Law acknowledged the inherent moral responsibility of the father-in-law to provide for his widowed daughter-in-law. A duty that was moral has now been changed into a legal obligation by conferring upon the widowed daughter-in-law a statutory right to claim maintenance from her father-in-law's estate under Section 19(1) of HAMA.



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13. Though, the learned senior counsel for the Appellant has prayed for grant of interim maintenance until the quantum is assessed by the Family Court. However, in the peculiar facts of this case, this Court does not deem it appropriate to pass any order to this effect.

14. However, while setting aside the Impugned Order, the Family Court is directed to make sincere endeavours for expeditious disposal of the application.

15. The parties through their counsel are accordingly directed to appear before the Family Court on 09.09.2025.

16. The Appeal, along with pending applications, is disposed of with the foregoing directions.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 20, 2025/jn/hr