

Mr. Bipin Joshi a/w Mr. Prayag Joshi for Petitioner. Mr. G.L. Bajaj for Respondent

[Bom] Hindu Adoption and Maintenance Act, 1956, S. 19 and 22 - Interim maintenance - Claim of Widow and son of deceased son from father -in-law - Have every right to claim the maintenance after the death of husband from the estate inherited by her father-in-law i.e. the present petitioner - Proviso to Sub-Section (1) of Section 19 contemplates that the claimant has to demonstrate that she on her is unable to maintain herself - She can claim maintenance from the estate of her husband, still fact remains that the said burden can be discharged by her at an appropriate stage - The object with which the provision is made in the statute book for grant of interim maintenance cannot be ignored - At this stage, what was required to be appreciated by the Court below and rightly so appreciated by the Family Court in the impugned order is whether there was neglect to maintain and whether the respondents are entitled for maintenance from the petitioner in view of Section 19 of the Act - Order for grant of interim maintenance upheld.

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