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The legitimate and illegitimate children are entitled to maintenance from their parents only during the period of their minority. Grant of maintenance allowance is for preserving the existence of an individual who is not able to support himself. The expression 'children' includes the adopted children so long they are minor.

Though there is no express provision in the Act for grant of interim maintenance allowance there is no prohibition against granting such relief. The power to grant such interim allowances is implicit, ancillary and necessary corollary to the power to entertain a suit and pass final orders. The liability of any person to maintain his aged infirm parents and unmarried daughter extends in so far as any one of them is unable to maintain himself or herself out of his own earnings or other property. In this context, the term 'parent' includes a childless step mother but not a step father. The expression parents and children in the personal context would include the adoptive father and adoptive mother. In fact, this section is reiteration of old law.

It was taken as a personal liability to maintain the parents and minor children. But to fix a liability upon the mother also is a new provision included in the Act. The children, on acquiring majority or capacity to maintain themselves brings their liability to an end. The right of maintenance pertains to aged or infirm parents and is available only to the extent that such parent is unable to maintain himself or herself out of his or her own earnings or other property. In *Wali Ram Waryan Singh v. Smt.*

Mukhtiar Kaur, the Punjab High Court held that under the Act, the burden is on the father or mother to show that he or she stands discharged from his or her liability to pay maintenance to the unmarried daughter as the latter is able to maintain herself out of her own earnings or property. The expression "is unable to maintain himself or herself out of his or her own earnings or other property" in Section 21(3) is more in the nature of a proviso to the first part of the sub-section (3) which imposes in most unequivocal terms an obligation on the father or the mother regarding their unmarried daughter or infirm or aged parents. It is, therefore, for the father or the mother to establish that his or her case falls under the proviso. It does not seem to be the intention of the Act that a presumption of ability to earn and maintain herself should, in the case of a Hindu girl, be raised from her bodily health or age alone.

The very fact that she was studying in a college and could, therefore, by joining service somewhere earn her own livelihood is not a good defence to refuse her maintenance. In *Chandra Kishore v. Nanak Chand*, it was held by the Delhi High Court that the obligation of a Hindu father includes the obligation to maintain unmarried daughter not only for purpose of her day to day expenses but also in respect of reasonable expenses of her marriage. Thus a Hindu is obliged to meet marriage expenses of his daughter, whether there is joint family property or not a joint family property. In *Tulsi Kumar Anil Kumar v.*

*Raghvan Nayar*, the Kerala High Court held that the expression maintenance includes provision for food, clothing, residence, education, medical attendance and treatment. Neither of the parents is entitled to escape

liability for maintenance of the child by raising a plea that the responsibility of maintenance has been taken over by the other. The mere fact that the child's mother had as per agreement between herself and her husband had undertaken the responsibility of maintaining the child, does not preclude the child from claiming maintenance against the father. The mere fact that the father is not possessed of sufficient means, does not in any way obliterate his responsibility under Section 20 to provide maintenance for his minor child. The question relating to his means may be relevant only in considering the quantum of maintenance. In *Baldeo Singh v. Pooja Devi*, the respondent (daughter) filed an application under Section 20 of the Act, complaining in the application that the petitioner did not make any arrangement for the marriage of daughter. As per social custom prevalent in the area and also as per the status of the father at least an amount of Rs.

1 lakh is required to be spent for her marriage. The Himachal Pradesh High Court observed that no application under Section 20 was maintainable. The remedy of the respondent, if at all lies; it is in filing a suit for this purpose before a Civil Court of competent jurisdiction.