

According to the act.  
the supreme court  
approved



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According to the Mitakshara school of Hindu law as it stood prior to this Act, the illegitimate son of a Sudra was entitled to maintenance out of his father's estate, though at the time of his conception his mother was a married woman and her husband was alive and her conception with the putative father was adulterous.

Under the Hindu law she could claim maintenance from the estate of the paramour as long as she preserved her sexual fidelity to him. Her claim could not be defeated on the ground that she was a Brahmin and her paramour was a Sudra. The court held that Sections 21 and 22 read with Section 4 do not destroy or affect any right of maintenance out of the estate of a deceased Hindu vested on his death before the commencement of the Act under the Hindu law in force at the time of his death. The right of the illegitimate sons of a Sudra and his Brahmin concubine relating to maintenance during their lives from the estate of the Sudra, which vested in them on his death in 1948, and the corresponding liability of his heirs to pay maintenance, are not affected by Sections 21 and 22 of the Act as their claim was not founded on any right arising after the commencement of the Act. The Supreme Court approved the views taken by the Bombay, Andhra Pradesh and Allahabad High Courts. The Andhra Pradesh High Court in *I. Krishna Prasad Rao v. Jayasri & others*, held the liability of the parents to maintain their children as absolute. According to the court it cannot be circumvented on the ground that such duty arises only if the child surrenders to the protection and care of the parent, such conditions cannot be imposed in awarding maintenance.