2026:CGHC:10470-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 322 of 2025

1 - Narayan Uike S/o Kartik Uike Aged About 60 Years R/o Baihatola, P.S. And Tahsil- Khairagarh, District : Khairagarh-Chhuikhadan-Gandai, Chhattisgarh

... Appellant(s)

versus

1 - Smt Gunja Uike W/o Late Pradeep Uike Aged About 28 Years Caste-Mahar, R/o House No. 413, Ward No. 33, Kanharpuri, Rajnandgaon, Tahsil And District Rajnandgaon, Chhattisgarh

2 - Minor Purvi Uike D/o Late Pradeep Uike Aged About 7 Years Through Guardian Mother Smt. Gunja Uike, W/o Late Pradeep Uike, R/o House No. 413, Ward No. 33, Kanharpuri, Rajnandgaon, Tahsil And District Rajnandgaon, Chhattisgarh

... Respondent(s)

For Appellant(s) : Ms. Priyanka Rai, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

***Per* Ramesh Sinha, Chief Justice**

28/02/2026

1. The instant appeal under Section 19(1) of the Family Courts Act, 1984, has been filed by the appellant against the impugned judgment and decree dated 17.07.2025 passed by the learned Family Court, Rajnandgaon, in Civil Suit No. 131-A/2024, whereby the application filed by the respondents under Section 19 of the Hindu Adoption and Maintenance Act, 1956, was partly allowed, and an amount of Rs. 1,000/- in favor of the present respondent No. 1 and Rs. 500/- in favor of respondent No. 2 was granted as maintenance from the date of filing of the application.

2. For the sake of convenience, the status of the parties as shown in the said civil suit shall be referred to in the present appeal.

3. The present appellant is the defendants in the civil suit, and the present respondents were the plaintiffs. The defendant is the father-in-law of plaintiff No. 1. The husband of plaintiff No. 1, father of plaintiff No. 2, and son of the defendant, namely Pradeep Uikey, expired on 10.01.2017. The relationship between the parties is not in dispute.

4. The brief facts of the case are that the marriage between the son of the defendant and plaintiff No. 1 was solemnized in the year 2015. During the marriage, plaintiff No. 1 conceived, but unfortunately, her husband died on 10.01.2017. After the death of her husband, she gave birth to plaintiff No. 2. After the death of the husband of the plaintiff No.1, the defendant allegedly began harassing her and teasing her for giving birth to a female child. It is also alleged in the plaint that the defendant was having evil eye upon the plaintiff No. 1, his behavior

deteriorated toward the plaintiffs, and ultimately they were thrown out by the defendant from their matrimonial house. They have no source of their livelihood and they started residing with the parents of the plaintiff No. 1. The plaintiffs filed an application under Section 19 of the Hindu Adoption and Maintenance Act, 1956, for grant of monthly maintenance of Rs. 32,000/- from the defendant, as the defendant possessed the joint family property property and earned from it. It was pleaded that the defendant owned 5 acres of agricultural land, from which he was earing Rs. 5 lakh per year. There is no source of income of the plaintiffs, therefore, the maintenance amount should be granted in their favour.

5. The defendant denied the plaintiffs' claim and contended that plaintiff No. 1 had performed a love marriage with his son, therefore, there was no reason to demand dowry from her. He has never treated her with cruelty during the life time his son or even after the death. The plaintiff No. 1 in order to obtain compassionate appointment left her matrimonial house and started residing with her parents. All allegations of harassment, teasing, or "evil eye" were false and baseless. The defendant is ready to keept her with her matrimonial house but due to adamant attitude of the plaintiff No.1 she is residing with her parents. He also denied with the family property and any income from it.

6. The learned trial court framed issues and proceeded for recording evidence of the parties. The plaintiff examined herself as PW-1, but the defendant has choosen not to examine himself and made a statement to that effect on 25.02.2025, therfore, the right to evidence of the

defendant was disclosed.

7. Learned counsel for the appellant would submit that the learned Family Court has erred in law and on facts in passing the impugned judgment by ignoring material evidence and proceeding on mere presumptions regarding alleged ancestral property, without any exhibited or proved document. The Court failed to consider that the appellant is an aged person with the responsibility of maintaining his wife, unmarried children, and aged parents, and overlooked the mandatory requirements of Section 19 of the Hindu Adoptions and Maintenance Act, 1956, which limit the liability of a father-in-law. The respondent's own admissions in cross-examination regarding property in her family's name and her unwillingness to reside in the matrimonial home were disregarded. As neither the appellant's income nor the respondent's actual needs were proved, the impugned judgment is unsustainable and liable to be set aside.

8. The plaintiff No.1 stated in her evidence as per the pleadings made by her in the application and reiterated that she was dependent upon her husband and after death of her husband she became helpless and in starvation. The defendant who is her father-in-law having income of about Rs. 5 lakh per year from the agricultural land belongs to the family and she being the legal heir of her husband, having share over the family property which is in possession of the defendant, therefore, the maintenance amount should be awarded to her.

9. In cross-examination she stated that her brother given her the

grossary items. She further stated that after birth of the plaintiff No.2, her in-laws have thrown her from her matrimonial house and then her parents have taken her back. She further stated that she tried to go there at her matrimonial house many times but her in-laws have not permitted to enter into the house. She further stated that though she made an application for compassionate appointment in the department of her husband but she did not know as to why the compassionate appointment have not been provided to her. When she asked from the department, she came to know that an amount of Rs. 50,000/- was given to the defendant for final rituals of her husband. Though she admitted that she has not made any police complaint against the act of the defendant but in the opinion of this Court that itself is not sufficient to disallow the maintenance amount to the plaintiffs.

10. It is notably here that the defendant has not examined himself in support of his defence. Non examination of the defendant gives adverse presumption against him as has been held by Hon'ble Supreme Court in the case of ***Vidyadhar vs. Manikrao and Another 1999 (3) SCC 573,*** has held:

> "**17**. Where a party to the suit does not appear in the witness-box and h states his own case on oath and does not offer himself to be cross-examined by the other side, a presumption would arise that the case set up by him is not correct as has been held in a series of decisions passed by various High Courts and the Privy Council beginning from the decision in Sardar Gurbakhsh Singh v. Gurdial Singh. This was

> followed by the Lahore High a Court in Kirpa Singh v. Ajaipal Singh and the Bombay High Court in Martand Pandharinath Chaudhari v. Radhabai Krishnarao Deshmukh'. The Madhya Pradesh High Court in Gulla Kharagjit Carpenter v. Narsingh Nandkishore Rawar also followed the Privy Council decision in Sardar Gurbakhsh Singh case. The Allahabad High Court in Arjun Singh v Virendra Nath held that if a party abstains from entering the witness-box, it b would give rise to an adverse inference against him. Similarly, a Division Bench of the Punjab and Haryana High Court in Bhagwan Dass v. Bhishan Chand drew a presumption under Section 114 of the Evidence Act, 1872 against a party who did not enter the witness-box."

11. From the entire evidence led by the plaintiffs, we are of the considered opinion that the learned family Court has rightly considered the evidence and the liability upon the defendant to maintain the plaintiffs who are the wife and child of the son of the defendant, therefore, the defendant is bound to maintain the plaintiffs. (*See: Sri. Raja Bommadevara Raja Lakshmi Devi Amma Garu v. Sr. Raja B. Naganna Naidu Bahadur Zamindar Garu and Bhagwan Singh v. Mt. Kawal Kaur*).

12. In order to ensure the maintenance to the daughter-in-law, Section 19 of the Hindu Adoptions and Maintenance Act, 1956 (henceforth 'the Act, 1956') would be relevant, which is quoted below:

> **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 re-marriage of the daughter-in-law.

13. Recently, the issue came up before the Hon'ble Supreme Court, and Their Lordships held in ***Kanchana Rai vs. Geeta Sharma and Others*, 2026 SCC OnLine SC 59**, decided on 13.01.2026, that:

> 8. Since the issue which is falling for our consideration is purely legal In nature, we intend to proceed and decide it on our own thinking and reasoning on the simple interpretation of the provisions of the Act, Independent of the view taken by either of the courts below I.e. the Family Court and the High Court or on the basis of the Hindu Succession Act, 1956, which is completely alien for the purposes of any Interpretation of the provisions of the present Act.
>
> 9. The law on the grant of maintenance of Hindus has been codified by enacting the Hindu Adoptions & Maintenance Act, 1956. The aforesaid Act provides for the adoption as well for the maintenance. The adoption part is dealt under Chapter II of the Act, whereas

Chapter IIIof the Act provides for maintenance to the dependants of a Hindu under Sections 18 to 28.

10. The "dependants" have been defined under Section 21 of the Act inter alla to include the following relatives of the deceased.

> 2 (vii). any widow of his son or of a son of his predeceased son, so long as she does not remarry: 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;

11. A plain reading of the above definition of the dependants makes it crystal clear that the relatives of the deceased, namely, "any widow of his son" would be a dependant provided she is unable to maintain herself from her husband's estate or from her son or her daughter's estate and in the case of grandson's widow, from her father-in-law's estate.

12. Section 22 of the Act provides for the maintenance of dependants and casts an obligation upon all the heirs of the deceased Hindu to maintain the dependants of the deceased out of the estate Inherited by them from the deceased. In simpler words, all the heirs of the deceased Hindu are obliged to maintain the dependants of the deceased from the funds inherited out of the estate of the deceased.

13. Sub-section (2) of Section 22 further provides that where a dependant of the deceased Hindu has not obtained share in the estate of the Hindu either by testamentary or intestate- succession, such a

dependant shall be entitled to maintenance from those who take the estate. Therefore, anyone succeeding to the estate of the deceased Hindu is under an obligation to maintain the dependant of the deceased.

14. Section 23 of the Act provides for the manner and the factors on the basis of which maintenance to a dependant has to be determined.

15. Section 21 of the Act, as stated earlier, is only a defining section which defines the "dependants of the deceased Hindu. One of the relatives of the deceased Hindu who has been defined as a dependantIs clearly "any widow of his son" meaning thereby a widow of the deceased son of the Hindu is a dependant irrespective of the time she becomes a widow.

16. The above definition is quite clear and unambiguous. It is not open for any other meaning except that a "widow of the son" of the deceased is a dependant. In view of such a clear definition, it is not open for anyone to Infer and assign any other meaning to the said definition so as to say that only a widow of the predeceased son of a Hindu would be covered by the sald definition. The aforesald definition nowhere uses the word "widow of a predeceased son". It simply uses the words "any widow of a son". The legislature in its wisdom has deliberately avoided to use the word "predeceased" before the "son" so as to include any widow of the son. The time of her becoming a widow or the death of the son is Immaterial.

17. It is a cardinal principle of Interpretation of law that where the provision is clear and unambiguous, it has to be interpreted literally provided the literal Interpretation

is not in conflict with the purpose of the Act or is otherwise not impractical.

18. This foundational principle of literal interpretation finds unequivocal support in a consistent line of judicial precedents.

19. In Crawford v. Spooner the Privy Council observed that the construction of an Act must be taken from its bare words, and it is not for the courts "to add, and mend, and, by construction, make up deficiencies" left by the legislature, nor to "fish out what possibly may have been the intention" if not clearly expressed. Judges must take the words as they are and give them their natural meaning, unless controlled or altered by the context or the preamble.

20. In B. Premanand v. Mohan Koikal this Court emphasized that departure from the literal rule should be an exception in very rare cases, as once courts depart from the literal rule where the language is clear, the result would be destructive of judicial discipline and contrary to the constitutional scheme as the exclusive domain to legislate is upon the legislature. The Court aptly noted that "the literal rule of Interpretation simply means that we mean what we say and we say what we mean." The Court further cautioned that even if a literal Interpretation results in hardship or inconvenience, the same cannot be a ground to depart from the plain meaning of the statutory text.

21. More recently, In Vinod Kumar v. DM, Mau this Court reaffirmed that the literal rule is the first and foremost principle of statutory Interpretation. Where the words are absolutely clear and unambiguous, recourse

cannot be had to any other principle. The Court explicitly held that "the language employed in a statute is the determinative factor of the legislative intent" and that judges cannot correct or make up a perceived deficiency in the words used by the legislature. The Court held that courts cannot correct or supply an assumed omission in the statute, as the legislature is presumed to have intended what it has expressly stated.

22. In view of the language so used in Section 21 (vil) of the Act and guided by the settled principles reiterated above, there is hardly any scope to interpret that the words "any widow of his son" used therein would mean "widow of his predeceased son" only. The courtscannot add or subtract any word from the text of the statute. The provisions of the statute cannot be re-written by the courts by assuming or inferring something which is not implicit from the plain language of the statute.

23. Even otherwise, any such restrictive Interpretation would fall the test of constitutional validity under Article 14 of the Constitution. The classification sought to be made between widowed daughters-in-law based solely on the timing of the husband's death, namely, (a) those whose husbands died during the lifetime of the father-in-law, and (b) those whose husbands died after him; is manifestly unreasonable and arbitrary. Such a classification bears no rational nexus with the object and purpose of the Act, which is to secure maintenance to dependants who are unable to maintain themselves. In both situations, the women are similarly situated in so far as the object of the Act is concerned, having suffered widowhood, being without spousal support,

and facing comparable financial vulnerability. Denial of maintenance to one category based on a fortuitous circumstance beyond their control is manifestly arbitrary and violative of the guarantee of equality before law under Article 14 of the Constitution.

24. Any Interpretation contrary to one opined above, would also infringe upon Article 21 of the Constitution, which guarantees the right to life with dignity. The right to life has been judicially expanded to Include the right to livelihood and basic sustenance. Denying maintenance to a widowed daughter-in-law from the estate of her deceased father-in-law on a narrow or technical construction of the statute would expose her to destitution and social marginalization, thereby offending her fundamental right to live with dignity. The provisions of the Act must, therefore, be read purposively and in conformity with constitutional values, so as to advance social justice and protect the dignity of vulnerable dependants rather than defeat it.

25. Section 4 of the Act has an overriding effect but it does not erase away fundamental principles of Hindu law particularly where some doubt is raised about the codified provisions. The Hindu law specially Manu Smriti vide Chapter 8, verse 389 says:

"न माता न पिता न स्त्री न पुत्रस्त्यागमर्हति ।

त्यजन्नपतितानेतान राज्ञा दण्ड्यः शतानि षट"।।

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 verse emphasizes duty of the family head to support female family members.

26. A son or the legal heirs are bound to maintain all the dependant persons out of estate inherited 1.e. all persons whom the deceased was legally and morally bound to maintain. Therefore, on the death of son,It is the plous obligation of the father-in-law to maintain widowed daughter-in-law, if she is unable to maintain herself either on her own or through the property left behind by the deceased son. The Act does not envisage to rule out the above obligation of the father-in-law to maintain his widowed daughter-in-law, irrespective of the fact when she became a widow whether prior or after his death.

27. Though, it may not be very much in context to refer to Section 19 of the Act but we consider it proper to refer to it as the Courts below have considered and dealt with it and some arguments on its basis have been advanced before us.

28. Section 19 of the Act provides for the maintenance of "widowed daughter-in-law" of the deceased Hindu. It simply contemplates that a Hindu wife is entitled to be maintained after the death of her husband by her father-in-law. Thus, it casts an obligation upon the father-in-law to maintain his daughter-in-law. The said obligation subsists only during the lifetime of the father-in-law as the aforesaid provision nowhere contemplates that the daughter-in-law would be entitled to maintenance from the estate of the father-in-law. In other words, Section 19 contemplates for the maintenance of the daughter-in-law during the lifetime of father-in-law, whereas, Section 22 contemplates "maintenance of dependants" Including "widowed daughter-in-law" from the estate of her father-in-law meaning thereby that a claim under

> Section 22 can be raised only after the death of the father-in-law.
>
> 29. In view of the aforesaid facts and circumstances, we are clearly of the opinion that "any widow of the son" of a deceased Hindu is a dependant within the meaning of Section 21 (vii) of the Act and is entitled to claim maintenance under Section 22 of the Act. Therefore, no illegality has been committed by the High Court in passing the Impugned order holding the petition of Respondent no. 1, who is a widow of the son of the deceased, to be maintainable and in directing the Family Court to consider it on merits in accordance with law.

14. In view of the evidence available on record as well as the law laid down by the Hon'ble Supreme Court in the case of ***Kanchana Rai (Supra)*** of the considered opinion that the learned trial Court has rightly considered the evidence and passed the appropriate judgment and decree, which needs no interference.

15. Accordingly, the first appeal filed by the appellant is **dismissed**.

Sd/-	Sd/-
(Ravindra Kumar Agrawal) Judge	**(Ramesh Sinha)** Chief Justice

Alok