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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 25 OF 2017
IN
FAMILY COURT APPEAL NO. 194 OF 2016**

Rajendra Mahadeo Deokule	...	Applicant(Orig.Appellant)
VS		
Suvarna Rajendra Deokule & Anr....		Respondents

.....
Mr G.R.Hegde for the Applicant/Appellant

*Mrs Seema Sarnaik with Vikram Walawalakar i/b G.D.Shinde for the
Respondents.*
.....

**CORAM : K.K. TATED &
B.P.COLABAWALLA, JJ.**

DATE:- 3 APRIL, 2018

JUDGMENT : [PER B. P. COLABAWALLA J.]

1. This Civil Application has been filed by the Applicant (original Appellant) for stay of the impugned order dated 16th July, 2016, insofar as it relates to payment of maintenance of Rs.10,000/-

per month to the unmarried daughter of the Applicant, namely, Ms Mansi Rajendra Deokule (Respondent No.2 to the Application). It is not in dispute that the unmarried daughter – Mansi is a major. The further direction that is sought is for refund of Rs.50,000/- wrongly paid by the Applicant towards the monthly maintenance of his unmarried daughter – Mansi. The basic and only ground of challenge and for seeking a stay of the impugned order in this Application is that on the date of passing of the impugned order (namely 16th July, 2016), Ms Mansi was a major (that is above the age of 18 years), and therefore, no maintenance could have been awarded for her under Section 26 of the Hindu Marriage Act, 1955. According to the learned advocate appearing on behalf of the Applicant (original Appellant), maintenance under Section 26 of the Hindu Marriage Act, 1955 can only be granted for the minor children.

2. The brief facts in a nutshell are that Respondent No.1 herein, namely, Suvarna Rajendra Deokule (wife of the Applicant/Appellant) filed a petition for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955 on the ground of cruelty, being Petition No.A-75/12. In this Petition she also prayed for permanent alimony for herself and for her children. The Applicant herein (original Appellant) also filed a petition for custody of the

children being Petition No.D-22/12. After evidence was led by both parties, both these Petitions were disposed of by a common Judgment and Order dated 16th July, 2016 by the Family Court, Mumbai at Bandra. By the impugned order the Petition filed by the wife – Suvarna for divorce was allowed and the marriage solemnized between the Applicant herein and Respondent No.1 was dissolved by a decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The prayer of the wife for permanent alimony / maintenance for herself was rejected by the Family Court. The Family Court further ordered that the Applicant herein was to pay maintenance @ Rs.10,000/- per month each to both the children from the date of the impugned order. It was clarified that the amount awarded was inclusive of and not in addition to the amount awarded in favour of the children in any other proceedings.

3. As far as the Petition for custody of the children filed by the Applicant herein is concerned, the same was rejected by the Family Court. However, access was granted to the Applicant herein for the minor son on the first and third Saturday of every month between 2.00 p.m. to 5.00 p.m. at the Children Complex, Family Court, Bandra, under the supervision of a Marriage Counsellor. It is aggrieved by this common order dated 16th July, 2016 that the above

Family Court Appeal No.194 of 2016 was filed by the Applicant herein (the husband) *inter alia* questioning the decree of divorce in favour of the wife and further granting maintenance @ Rs.10,000/- per month each to both the children. As far as the rejection of the Applicant's Petition for custody is concerned, the same has not been challenged by the Applicant – husband.

4. In this factual backdrop, the only contention that has been canvassed before us in this Civil Application by Mr Hegde, the learned advocate appearing on behalf of the Applicant, is that since the daughter-Mansi was a major on the date of passing of the impugned order, the Trial Court could not have awarded maintenance for her. In this regard he placed reliance on Section 26 of the Hindu Marriage Act, 1955 and contended that in any proceedings under the said Act, the Court may from time to time make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children. He submitted that the Section was ex-facie clear that maintenance could be granted only in favour of minor children and the daughter-Mansi being a major on the date of the impugned order, could not have been awarded any maintenance. In this regard, Mr Hegde heavily relied upon a decision of this Court in the case of

B(husband) Vs A(wife)¹. Placing reliance on this decision, Mr Hegde submitted that no maintenance could have been awarded for the major daughter, and therefore, at least to this extent the impugned order is required to be stayed.

5. On the other hand, Ms Sarnaik, learned advocate appearing on behalf of the Respondents to the Civil Application, submitted that the contention raised by the Applicant herein was wholly misconceived. She submitted that the Family Court was very much aware that the daughter was a major when the impugned order was passed and this fact is reflected in the order itself. She further submitted that under Section 20 and 21 of the Hindu Adoptions and Maintenance Act, 1956, it was ex-facie clear that it was the obligation of a person to maintain his or her aged or infirm parents or a daughter who is unmarried and unable to maintain herself out of her own earnings or other property. She submitted that Section 21 defines the word “dependants” which includes an unmarried daughter. This being the case, she submitted that there was absolutely nothing wrong in the impugned order whilst granting maintenance to the unmarried daughter-Mansi who admittedly was not in a position to support herself and was still taking an education.

¹ 1992 Mh.L.J. 748.

In support of her submissions, Ms Sarnaik placed reliance on a decision of the Supreme Court in the case of **Jasbir Kaur Sehgal Vs District Judge, Dehradun**² as well as a decision of Division Bench of this Court in the case of **Vijaykumar Jagdishrai Chawla v. Reeta Vijaykumar Chawla**.³ In these circumstances, Ms Sarnaik submitted that there was no merit in this Civil Application and the same ought to be dismissed.

6. We have heard the learned advocates for parties at length and have perused the papers and proceedings in the Civil Application as well as the memo of appeal. We find considerable force in the arguments canvassed by Ms Sarnaik. Firstly, we must mention that it is undisputed before us that the argument that the daughter being a major, was not entitled to any maintenance, was never raised or canvassed before the Family Court. Even in the present appeal, namely, Family Court Appeal No.194 of 2016, no ground is raised seeking to challenge the maintenance granted in favour of the major daughter on this issue. The only grounds raised challenging maintenance granted to the children, can be found in grounds (z), (aa) and (bb) which read as under-

² (1997) 7 SCC 7

³ 2011(5) Mh.L.J. 724

- “(z) That the Ld. Trial Judge has erred in granting monthly maintenance of Rs.10,000/- each to both the children who are not even willing to meet the Appellant and one of them i.e. Daughter even went to the extent of deposing against her own father with serious and baseless allegations of “sexual abuse” by the Appellant of his own minor son (Devang) which allegation was admittedly not substantiated by any cogent, reliable and probable evidence on record;**
- (aa) That the Ld. Trial Judge being fully aware of the fact that the Respondent is under suspension from his job at the instance of the Respondent and is getting subsistence allowance which is not sufficient to maintain himself owing to his failing health (i.e. intestine and kidney failure) and his old aged mother dependent on him and still Appellant has been ordered to pay Rs.10,000/- per month to each children;**
- (bb) That the Ld. Trial Judge ought to have ordered the Respondent alone to look after and maintain two children when the Respondent admittedly is earning nett Rs.40,000/- p.m. as Teacher by way of salary, Rs.27,000/- per month as and by way of Rent from the Shop jointly owned by the parties an addition the Respondent gets additional income of Rs.4 to 5 Lakhs from her imitation jewellery business.”**

7. As can be seen from the memo of appeal, no point has been raised in the appeal challenging the maintenance granted to the major daughter on the ground that she is not entitled to maintenance by virtue of Section 26 of the Hindu Marriage Act, 1955. In these circumstances, it would be highly unfair to the Trial Court, if we are to stay its order on a ground that was neither raised nor canvassed before it. Even otherwise, on reading the impugned order, we find that the Trial Court has duly taken note of the fact that the daughter

- Mansi was a major and was unmarried and was taking education at the time of passing the impugned order, and therefore, entitled to maintenance. The discussion of the Trial Court on this issue can be found in paragraph 41 thereof which reads thus-

"So far as children are concerned, it is settled law that when both parents are earning, they are liable to contribute equally as proportionate to their income. As stated above, petitioner's income is on higher side than the respondent. Petitioner has prayed for awarding Rs.15,000/- per month each for the children. She has produced school receipt/educational expenses, extra curricular expenses receipt of the children vide document Exh. 73 collectively. Moreover, today I have enquired from her and she has disclosed that daughter's annual College fees is Rs.56,000/- and son's annual fees is approximately Rs.30,000/- per annum. Presently, her daughter is residing in hostel at Pune for UPSC course and her fees are Rs.64,000/- apart from hostel charges of Rs.36,000/- and Mess charges of Rs.40,000/- per annum. She has also disclosed that her son is also going for extra curricular activities like Chess & Karate and she is paying Rs.12,000/- per annum and school transportation fees of Rs.8,000/-. Even if the expenses shown for Manasi is considered then it comes to approximately Rs.1,80,000/- per annum i.e. Rs.15,000/- per month. So far as son's education and extra curricular expenses are concerned, it comes to Rs.75,000/- per annum. In addition to that, the child's other requirement like food, clothes, medicine etc. are also required to be considered. Thus, considering all these expenses, the petitioner's claim of Rs.15,000/- per month each for children appears to be just and reasonable. On the contrary, there cannot be two view that because of hike in the prices of daily needs and essential commodities and cost of living, the amount of Rs.15,000/- per month for each child looking to the income of parents, can be said to be a bit lower side.

It is informed by the petitioner-wife that in a proceeding under PWDV Act, Court has awarded Rs.6,000/- per month each for both the children and as the daughter became major, her maintenance came to be closed and son's maintenance is enhanced to the extent of Rs.10,000/- per month. Thus, having regard to the entire circumstances, income and liabilities of both parties, day to day needs of the children and more specifically educational and extra

curricular activities, I find that an amount of Rs.20,000/- per month for each child would be just and reasonable. Since both parties are working and petitioner's income is a bit higher than the respondent therefore, I find that it would be just and proper to direct both the parties to contribute equally for the children's maintenance. As such, the respondent's liability comes to the extent of 50 % i.e. Rs.10,000/- for each child. Since daughter is still taking education, she is also entitled for maintenance. Thus, having regard to the entire circumstances, I am of the opinion that petitioner is entitled for the maintenance for the children only @ Rs.10,000/- per month each from the respondent and as she is also earning, she is liable to contribute for the remaining part of maintenance for the children. Accordingly, issue No.4 is answered."

8. From seeing the observations of the Trial Court, what is clear is that the Trial Court was very well aware that the daughter was a major at the time of passing of the impugned order. We find that the Trial Court, and in our view, correctly granted maintenance in favour of the major daughter who was unmarried and was taking an education.

9. To come to this conclusion, we have perused Section 26 of the Hindu Marriage Act, 1955 as well as Sections 20 and 21 of the Hindu Adoptions and Maintenance Act, 1956. It is true that Section 26 of the Hindu Marriage Act, 1955 deals with reference to the custody, maintenance and education of minor children. However, in our view, at least *prima facie*, the said Section cannot be read in isolation. Section 20 of the Hindu Adoptions and Maintenance Act,

1956 clearly stipulates that, subject to the provisions of this section, a Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents. It is further stipulated in the said section that the obligation of a person to maintain his unmarried daughter extends so far as she is unable to maintain herself out of her own earnings or other properties. Section 20 of the Hindu Adoptions and Maintenance Act, 1956 reads thus-

"20. Maintenance of children and aged parents.—(1) Subject to the provisions of this section a Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents.

(2) A legitimate or illegitimate child may claim maintenance from his or her father or mother so long as the child is a minor.

(3) The obligation of a person to maintain his or her aged or infirm parent or daughter who is unmarried extends insofar as the parent or the unmarried daughter, as the case may be, is unable to maintain himself or herself out of his or her own earnings or other property.

***Explanation.—*In this section "parent" includes a childless stepmother."**

10. Section 21 of the Hindu Adoptions and Maintenance Act, 1956 defines "dependents" and includes an unmarried daughter.

Section 21 reads thus-

"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 remarry;**
- (iv) his or her son or the son of his predeceased son or the son of a predeceased son of his predeceased 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 for 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-granddaughter 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 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;**
- (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."**

11. On a harmonious reading of Section 26 of the Hindu Marriage Act, 1955 with Sections 20 and 21 of the Hindu Adoptions

and Maintenance Act, 1956, at least *prima facie* we are unimpressed with the arguments canvassed by Mr Hegde. By reading these Sections together and harmoniously, at least *prima facie* we are satisfied that the Family Court, was well within its powers to grant maintenance to the unmarried major daughter – Mansi, who admittedly was unable to sustain herself out of her own earnings and property and was still taking an education. We, therefore, find that the argument of Mr Hegde cannot be accepted, at least at this stage.

12. In the view that we take, we are supported by a decision of a Division Bench of this Court in the case of **Madhavi Ramesh Dudani v. Ramesh K. Dudani**.⁴ The facts of this case would show that the Appellant – wife filed a Petition in the Family Court seeking judicial separation under Section 10 of the Hindu Marriage Act, 1955 on the ground of cruelty and ill-treatment. The Respondent – husband had filed Matrimonial Suit No.B-96/92 seeking a declaration that the purported marriage between the Appellant and the Respondent be declared null and void since she was not a Hindu prior to her marriage and neither had she converted to Hinduism at any time prior to her marriage. This contention was accepted by the Family Court and it held that the marriage between a Hindu and a non-Hindu

4 2006 (2) Mh.L.J. 307

could not be said to be a valid marriage under Section 5 of the Hindu Marriage Act, 1955. This order was challenged before a Division Bench of this Court. What is important to note is that in the Petition filed before the Family Court by the Appellant-wife, apart from praying for judicial separation, she also sought permanent maintenance for herself and for her daughters who at that time were minors. By the time the appeal was decided, the daughters had become major but were still unmarried at that time. It is in these facts that the Division Bench of this Court took note of the fact that even though nothing additional ought to be provided for the Appellant-wife because cruelty was also alleged against her and she also was responsible for breaking up the marriage, she was still looking after two daughters. Relying upon Section 21 of the Hindu Adoptions and Maintenance Act, 1956, the Division Bench opined that the daughters were dependents until they got married and hence entitled to get maintenance from the father. Considering the fact that the Appellant-wife had been looking after these two daughters and would continue to do so until they got married, they were entitled to maintenance. The Court further opined that considering that the daughters did not have any income of their own and intended to prosecute their further studies, it would not be proper to drive the daughters to file a separate application under the Hindu Adoptions

and Maintenance Act, 1956 for the purpose of seeking maintenance. It is in these circumstances that the Division Bench held that though no separate provision was made for the Appellant – Wife, considering the circumstances, a separate provision should be made for the two daughters along with the Appellant so that the same would take care of their future education and marriage. Relevant portion of this decision can be found at paragraphs 29 and 30 thereof, which read thus-

“29. In the circumstances, there is good substance in the submission of Mr. Thakkar that nothing additionally be provided to the appellant wife when acts of cruelty are alleged against her also and when she is also responsible for the breaking of the marriage. In any case, she has been sufficiently provided and has good income therefrom. We have however to note that she is looking after her two daughters. The daughters are treated as “dependants” until they get married under section 21(v) of the Hindu Adoption and Maintenance Act, 1956. They are entitled to get their maintenance from their father. Considering the fact that the appellant has been looking after these two daughters and she will be continuing to look after them hereafter until they get married. In our view, that is a “circumstance” which has got to be considered when one decides the permanent alimony to be paid to the appellant wife. Section 25 of the Hindu Marriage Act provides that a Court exercising jurisdiction under the Act at the time of passing of the decree may direct the respondent to pay the Applicant for her maintenance and support such gross sum or such monthly or periodical sum, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the Court to be just. The Court is empowered that such payment may be secured by a charge on the immovable property of the respondent. In the circumstances of the case, we have to note that the appellant is looking after the two daughters. They have completed their education. They have become graduates in engineering and management respectively. They intend to further prosecute their studies and then get married. They do not have any income of their own. The appellant is undoubtedly spending for their education and will spend on their marriage. It will not be

proper to drive the daughters to file an application under the Hindu Adoption and Maintenance Act, 1956. In our view, the phrase “other circumstances of the case” appearing in section 25 of the Hindu Marriage Act is quite elastic and while passing an order under that section, the necessary provision can be appropriately made if the circumstances so justify.

30. The respondent has been made to make such payment from time to time and Mr. Thakkar has stated that he has been making additional payment for education of her daughters on his own. The fact however remains that the burden has been on the appellant all throughout. The burden for further education and thereafter marriage is much more. They are daughters of an industrialist who are being looked after by the mother. In the circumstances, though we may not provide separately for the appellant, considering these circumstances, we deem it just that separate provision should be made for the two daughters along with the appellant. The provision of such an amount will take care of their future education and marriage. In our view, it will be just and appropriate that an amount of Rs. 10,00,000/- is provided for each of the daughters. Such an amount shall be kept in RBI Bonds and the interest would be payable to the daughters concerned. At the present rate of 6% interest (tax free), each of them will get annually an amount of about Rs. 60,000/- which will be quite proper considering the cost of living and their status as daughters of an industrialist. In the circumstances, we direct the respondent to invest an amount of Rs. 10,00,000/- in the name of each of the daughters. That will reduce the burden on the appellant hereafter. That will be a contribution which is expected of the respondent as a father. He is an industrialist and quite well of. He had divorced his earlier wife. His daughter from the earlier marriage is already married and his son is an adult and is in business. He does not have any major liability. He should provide for these two daughters for their future education and marriage. Thus, though we are passing this order under section 25 of the Act, essentially we are making provision for the two daughters whose liability is otherwise on the appellant but is being shared by the respondent. This is to reduce her liability for the daughters and to make the respondent share his burden of the responsibility. That takes care of the requirement for a separate accommodation and alimony. The respondent is directed to make these deposits also within 3 months hereafter. In view of the above provision, we are not passing any order for marriage expenses though we expect the respondent to act as a good father and share in the burden as and when the occasion arises.”

(emphasis supplied)

13. To our mind, this is a complete answer to the argument canvassed by Mr Hegde on behalf of the Applicant – husband. In the facts before the Division Bench in the case of **Madhavi Ramesh Dudani (supra)** also no separate petition was filed under Section 20 of the Hindu Adoptions and Maintenance Act, 1956. This Court, to avoid multiplicity of proceedings and relying upon the provisions of Sections 20 and 21 of the Hindu Adoptions and Maintenance Act, 1956, opined that the daughters were entitled to maintenance as they had no income of their own and were unmarried. The facts before us are also almost identical. Even before us, the major daughter is taking an education and is unmarried. It is also not in dispute that she has no income of her own to sustain herself. In these facts, at least *prima facie*, we are fully satisfied that the order passed by the Family Court granting maintenance for the daughter does not require any interference at this stage by granting a stay in favour of the Applicant – husband.

14. We must also mention that the decision in the case of **Madhavi Ramesh Dudani (supra)** was relied upon by the another Division Bench of this Court in the case of **Vijaykumar Jagdishrai Chawla v. Reeta Vijaykumar Chawla**.³ In this decision also it has

been held that the mother is competent to pursue the relief of maintenance for the daughter even though she had attained majority if she was staying with her and responsible for her maintenance and education. In fact, the very paragraph that we have reproduced earlier in the case of **Madhavi Ramesh Dudani (supra)** has been relied upon by the Division Bench in the case of **Vijaykumar Jagdishrai Chawla (supra)**. Paragraphs 16, 17 and 18 of this decision (**Vijaykumar Chawla**) read thus-

“16. Going by the above exposition, the mother is competent to pursue relief of maintenance for the daughters even if they have become major, if the said daughters were staying with her and she was taking responsibility of their maintenance and education. In addition, it will be useful to refer to the decision of the Apex Court in the case of Jagdish Jugtawat v. Martju Lata, (2002) 5 SCC 422. In that case the wife had filed application for maintenance for herself as well as her minor daughter under section 125 of the Criminal Procedure Code. The same was granted by the Family Court by providing amount of Rs. 500/- per month each. The husband filed revision before the High Court assailing the order of the Family Court on the ground that the daughter was entitled to maintenance only till she attained majority and not thereafter within the meaning of section 125 of the Code. This argument was negated by the High Court. When the matter went before the Apex Court, the Apex Court upheld the view taken by the High Court and held that the learned Single Judge was right in taking the view that “with a view to avoid multiplicity of proceedings”, no interference with the decision of the Family Court was warranted. The High Court had observed that even though section 125 limits the entitlement of the daughter for maintenance till she attains majority, by virtue of section 20(3) of the said Act of 1956, the daughter is entitled to receive maintenance from her mother or father till her marriage.

17. Applying the principle underlying the above dictum, we have no hesitation in negating the objection of the appellant. Instead, we hold that the respondent is justified in criticizing the objection of the appellant being a hyper-technical plea. Inasmuch as, even if the

appellant were to succeed in the present appeal, that would not extricate him from the liability to maintain his unmarried daughter who is staying with his estranged wife. The appellant in law would be bound to not only maintain his unmarried daughter but is also responsible for her education including higher education until her marriage.

18. We may also refer to the decision of the Calcutta High Court in the case of Anwar Ali Haider v. Sakina Bibi, (2005) 3 CHN 649. Even in that case, the wife had filed application for maintenance under section 125 of the Code for awarding maintenance in her favour as also her daughter. The Court allowed the said application. After lapse of sometime, the wife filed application for enhancement of maintenance amount under section 127 of the Code. By that time, however, the daughter had attained majority. The husband resisted the application under section 127 on the ground that daughter had attained majority and would not be entitled to get maintenance. The Court while adverting to the decision of the Apex Court in Noor Saba Khatoon, (1997) 6 SCC 233 held that even if the daughter had become major, she was entitled to get maintenance from her father till she gets married. Even in that case the application for maintenance was filed by the wife for herself and her daughter. In another case, decided by the Calcutta High Court reported in the case of Amit Roy v. Mira Roy, (1998) 4 ICC 348 (Cal) and in the case of Shri Krishna Kanta Bhattacharya v. Smt. Shyamali Bhattacharya, C.R.R. No. 4115/2008 decided on 21st April, 2009 similar view has been reiterated. Even in this unreported decision when the application under section 127 of the Code for enhancement of maintenance amount was filed by the wife alone for awarding maintenance amount to her as well as her daughter, by that time daughter had already become major. The Court awarded enhanced maintenance amount in favour of the daughter who had become major, to avoid multiplicity of proceedings as otherwise she would be forced to file another petition under section 20(3) of the Act of 1956 for maintenance.

(emphasis supplied)

15. Looking to the law laid down by this Court, we find that the argument canvassed by Mr Hegde on behalf of the Applicant –

husband, at least prima facie, cannot be sustained.

16. That now only leaves us to deal with the decision relied upon by Mr Hegde in the case of **B(husband) Vs A (wife) (supra)**. On going through this decision, we fail to see how it supports the argument canvassed by Mr Hegde. This decision opines that on a plain reading of Section 26 of the Hindu Marriage Act, 1955, it is clear that it can be filed only in respect of minor children. The decision however clearly opines that a major daughter always has recourse for seeking maintenance from her father under Section 20 of the Hindu Adoptions and Maintenance Act, 1956. Far from supporting the contention raised by Mr Hegde, we find that this decision in fact supports the argument canvassed by Ms Sarnaik on behalf of the Respondent – wife.

17. In view of the foregoing discussion, we find no merit in this Civil Application. It is accordingly dismissed. However, there shall be no order as to costs. We further direct that the arrears of maintenance, if any, as ordered by the Trial Court in the impugned order, shall be cleared within a period of three months from today. Needless to clarify that the clearance of arrears shall be done by the Applicant – husband without prejudice to his rights and contentions

in the present appeal and shall be subject to further orders passed at the final hearing of the appeal.

(B.P. COLABAWALLA, J.)

(K. K. TATED, J.)