



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 6129 of 2023

Ramesh S/o Baburao Kawase

Versus

Rashmi S/o Ajinkya Kawase and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Anuprita Mishrikotkar, Advocate for the petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 12th SEPTEMBER, 2023.

Heard.

2. The order granting interim maintenance to the tune of Rs.3,000/- to the daughter-in-law of the petitioner i.e. respondent no.1 and Rs.2,000/- to the grand-son of the petitioner i.e. respondent no.2 vide order dated 12th June, 2023 passed by the learned Judge, Family Court No.2, Nagpur, is under challenge, in this writ petition.

3. The petitioner is not disputing that he was in Government service and has been receiving the pension. At the same time, he is not disputing that he is having ancestral property. But it is the case of the petitioner that ancestral property has not yet partitioned

and no one cultivating it and as such there is no income from the said land.

4. Learned Family Court has held that it is the bounden duty of the father-in-law to maintain the daughter-in-law and grandson from the income of ancestral property after the death of the son, if the daughter-in-law is not able to maintain herself and her son.

5. Nothing has been brought on record to show that the respondent no.1 has any income and she is earning or she is capable of maintaining herself and her son.

6. In that view of the matter, I do not find any error committed by the learned Family Court, Nagpur in passing the impugned order. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]