



2025:DHC:8259-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 16.09.2025**

+ MAT.APP.(F.C.) 283/2019 & CM APPL. 54269/2019 (Seeking permission to place on record as evidence)

RINKI RANI

.....Appellant

Through: Mr. Mukesh Anand, Advocate.

versus

CHINTA RAM

.....Respondent

Through: Mr. Abhishek Pratap Singh &
Ms. Richa Dutt, Advocates.**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)**ANIL KSHETARPAL, J.**

1. The present appeal assails the correctness of the **impugned order dated 14.08.2019¹** passed by the **Ld. Principal Judge, Family Courts (East), Karkardooma Courts, Delhi²** in **HAMA No. 15/2018**, whereby the petition of the Appellant filed under **Section 19 of the Hindu Adoption & Maintenance Act, 1956³** was dismissed.

2. The Appellant herein is the widowed daughter-in-law of the Respondent, having been married to Late Sh. Kiran Pal [Son of the Respondent], who passed away on 06.09.2016. From the said wedlock, a daughter was born on 14.02.2009.

3. The Appellant filed a petition under Section 19 of the HAMA

¹ Impugned Order

² Learned Family Court

³ HAMA



for grant of maintenance. Paragraph 7 of the petition reads as follows:-

“7. That the respondent is having the coparcener/ancestral property measuring area 300 sq. yds., in which 12 rooms have been constructed and four commercial shops are also situated there, from which he is having rental income of Rs. 40,000/- p.m. and the respondent is also doing the private job and also earns Rs. 15,000/- p.m., thus his total income is Rs. 55,000/- p.m., on the other hand, the petitioner has no source from any corner and the petitioner along with her minor child is living on the mercy of others.”

4. The Respondent filed an application under Section 19(2) of the HAMA for dismissal of the petition which has been allowed.

5. Section 19 of the HAMA reads as under:-

“**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 remarriage of the daughter-in-law.”

6. It is evident that Section 19(2) does not envisage filing of any application. A petition filed before the learned Family Court is akin to a suit.

7. Rejection of plaint at the threshold is required by provisions of Order VII Rule 11 of the **Code of Civil Procedure, 1908**⁴. There was no application filed under Order VII Rule 11 of the CPC by the Respondent.

⁴ CPC



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8. The learned Family Court has dismissed the petition while observing that *prima-facie*, the property in the hands of the Respondent is not coparcenary. Such a *prima-facie* finding has been returned without granting opportunity to the Appellant to lead evidence, which was wholly uncalled for.

9. In the facts & circumstances of the present case, the learned Family Court though not strictly bound by the procedure laid down for leading evidence, is still bound by the broader principles of granting opportunity to the parties to lead evidence.

10. Keeping in view the aforesaid discussion, the Impugned Order is set aside and the petition filed by the Appellant is restored to its original number.

11. The parties through their respective Counsels are directed to appear before the learned Family Court on 23.09.2025.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 16, 2025/tk/kr/rn