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**(1930) 32 BOMLR 606**

**Bombay High Court**

**Case No:** First Appeal No. 261 of 1928

Ramchandra Ganpat  
Agarwale

APPELLANT

Vs

The Cantonment  
magistrate

RESPONDENT

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**Date of Decision:** Jan. 24, 1930

**Acts Referred:**

Lunacy Act, 1912 " Section 88

**Citation:** (1930) 32 BOMLR 606

**Hon'ble Judges:** Patkar, J; Amberson Marten, J

**Bench:** Division Bench

**Final Decision:** Dismissed

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### **Judgement**

Patkar, J.

This is an appeal against the order of the learned District Judge of Poona on an application u/s 88 of the Indian Lunacy Act for

an order against the father-in-law of a female lunatic to pay for her maintenance at the rate of Rs. 5-4-0 a day. The lunatic was admitted in the

hospital on November 20, 1926, and discharged on April 8, 1927, u/s 33 of the Lunacy Act.

2. The question is, whether the appellant is a person legally bound to maintain such lunatic, and whether he has means to maintain her. There is no

doubt that a daughter-in-law is a member of the joint Hindu family of which the appellant is the manager. According to the ruling in Chanvirgouda

v. District Magistrate, Dharwar (1926) 29 Bom. L.R. 52 the father in a joint Hindu family, liable as manager to maintain his son as a member of the

family, is a person legally bound to maintain his lunatic adult son, and can be called upon to pay the cost of maintenance of such son, u/s 88 of the

Indian Lunacy Act, 1912. The obligation extends quite irrespective of the quantum of share which the lunatic has in the property. It; was observed

in the judgment that (p. 54) :-

Admittedly the son is joint with the father ; and there is joint family pro. party in which the son has a share. Though the father is not under an

absolute obligation to maintain his adult son, he is bound as the manager of the family to maintain him as a member of the undivided family.

3. The remarks applicable to the son apply with greater force to the wife of the son who is a member of the joint family of which the appellant is

the manager. Further it was observed (p. 55):\_\_

Thus, if there is a person legally bound to maintain the lunatic and if lie has the means to maintain him with or without reference to the joint family

property, under the Indian Lunacy Act the Court can make an order for the costs of his maintenance in the asylum.

4. Under Rule 18, Clause (ii), framed under the Lunacy Act ""a person in receipt of an annual income or salary of Rs. 1,000 or more, or who is a

member of that family of such person and actually dependent on him, shall, when admitted for treatment into an asylum, pay fees according to the

following scale."" There is no doubt that the appellant is a member of the family of the lunatic, who is actually dependent upon him, and therefore he

is liable to pay maintenance charges according to the rate fixed under Rule 18.

5. We think, therefore, that the order made by the lower Court is right, and that this appeal must be dismissed with costs. Respondent No. 1 to get

his costs of this appeal. Respondent No. 2 to bear his own costs.