

(1871) 05 CAL CK 0011

Calcutta High Court

Case No: Special Appeal No. 2442 of 1870

Manmahini Dasi

APPELLANT

Vs

Balak Chandra Pandit

RESPONDENT

Date of Decision: May 8, 1871

Judgement

Bayley, J.

In this case the plaintiff, the wife of the son of the defendant, sued the defendant for maintenance of herself and her infant son, aged about 3 or 4 years. The first Court allowed the maintenance. The lower Appellate Court has disallowed it. The facts found by the lower Appellate Court are that the plaintiff, with her son, twice left her father-in-law's house; that she sold her daughter in marriage to a low caste Brahmin, and did not return to the house of the defendant, her father-in-law.

2. It has been held by a Full Bench of this Court that a father-in-law is not legally bound to maintain his son's widow 2 B.L.R., A.C., 15. The only question that then remains is whether in this case the widow's son,--that is, the grandson,--is entitled to maintenance. The case of Kunigaratu v. Arrangaden 2 Mad. H.C. Rep., 12 has been cited in support of this contention, but that decision merely rules that "in a family governed by the Marumakhatayam rule, an anandravan's right to maintenance is merely a right to be maintained in the family house." The above law is quoted as a law local prevalent in Malabar. We are shown no authority against the view taken by the lower Appellate Court, and we therefor dismiss this special appeal with costs.