

Widow moves HC seeking maintenance from in-laws

Top dry fruit importer's daughter-in-law says he is paying her peanuts

Nepean Sea Road resident Sonali Ashar says father-in-law Arunkumar wasn't even paying for her kids' education; businessman says son was given his share in 2005 itself

DEEPAK TURBHEKAR



ASHISH ASTHANA

The Nepean Sea House, where Arunkumar Ashar and his daughter-in-law Sonali reside. Inset: Sonali's late husband Manish



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The widowed daughter-in-law of one of Mumbai's biggest dry fruits importer/supplier has claimed Rs 10 crore towards a permanent maintenance settlement, or a monthly maintenance of Rs 3.5 lakh, from her father-in-law alleging he had stopped her share of income earned from the family business after her husband's death last year. Over and above this, she has demanded a share in the entire property.

Septuagenarian Arunkumar Ashar's son Manish died after a brief illness in May 2016, while in his late forties. His widow Sonali has now filed a suit in the Bombay High Court, saying she and her three children, two of whom are in their teens, have been surviving on the Rs 15-lakh insurance payout received after Manish's death.

Represented in court by senior advocate Pravin Samdani and law firm Maniar Srivastava Associates, Sonali said she and her in-laws reside in the same building at Nepean Sea Road, but her father-in-law hasn't even been paying for her children's education.

Alleging that her father-in-law was providing for the expenses of his second son Deven and his family, Sonali, who married Manish in 1991 when she was 19 years old, has sought court's help in accessing the family's assets, business dealings, and Income Tax returns.

Even as Sonali's suit pegs her in-laws' earnings and moveable and immovable assets at Rs 100 crore, Arunkumar, represented by Advocates

Vivek Kantawala and Amey Patil, said Manish had received his share in the property in 2005, after which he had signed a declaration relinquishing further rights in the properties.

Sonali contested the claim, saying she can no longer access her husband's office and other assets, and that her financial condition was so precarious that she didn't have enough money to last a month. She said her eldest son's plan to enrol at the New York Film Academy had to be called off and her second son couldn't continue his education at Milfield School in England due to lack of money.

Sonali's suit cites two raids on her father-in-law — one by the Income Tax Department in 1995 and another by the Sales Tax and Foreign Exchange Management Authorities in 2004-05 -- to prove the family was wealthy enough to financially support her and her children. She further claimed her in-laws had paid around Rs 7 crore in penalties after the 1995 raid. Hearing the suit, Justice BP Colabawalla suggested an amicable solution, which both parties were willing to explore.

What the law says

As per the Hindu Adoptions and Maintenance Act, 1956, a widow shall be entitled to be maintained by her father-in-law, provided she is unable to maintain herself out of her own earnings or other property or, where she has no property of her own and she is unable to obtain maintenance from the estate of her husband or her parents or children.

The Act says any obligation shall not be enforceable if the father-in-law doesn't have the means, or after the re-marriage of the daughter-in-law.