

HC refuses to grant house to senior citizen

Tells woman, who claimed negligence by son, that disputes in joint families were common

HETAL VYAS

Normal disputes in a joint family can not be reason enough to ask for a separate house and a car as maintenance," ruled the Bombay High Court recently while hearing an appeal filed by a Mumbai-based senior citizen who had claimed negligence on the part of her husband and two adult children. The court observed that the woman — a professional singer — had her own source of income that was sufficient to meet her needs. It also refused to increase the amount of maintenance granted to her by the family court.

The division bench of Justice B H Marlapalle and Justice D G Karnik relied on statements of the woman's son and daughter. The daughter had told the family court that all members of the family were staying together and the brother was married. She also stated that her mother was a professional singer and conducted music classes and had even employed three persons to accompany her to music programmes. The son

added that the family house comprised of two flats and that the house was in his and his father's names. "All house expenses are borne by the father and son," argued Vivek Kantawala, lawyer for the defendants.

The HC said, "It is evident that the appellant is a profes-

sional singer who gives performances, conducts music classes and earns Rs 20,000 to Rs 25,000 per month... There is nothing on record to point out either the respondent [the husband] or the children have neglected or refused to maintain the appellant [the wife]. It appears that there are some dis-

putes amongst the family members on account of the appellant conducting the classes in the house, but all such instances are normal in a joint family life.

"Nothing stops the appellant from shifting her classes to some other premises," the judges said.

MUMBAI MIRROR

MUMBAI

WEDNESDAY, MARCH 18, 2009

48 PAGES *

Price Rs 2.50 or Rs 4.50 along with The Times of India