



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1:

Maintenance of dependants

Dependents of a deceased must be maintained if they do not have the capacity to do so by themselves. [Section 21](#) of the act defines dependents and [Section 22](#) states that such persons shall be entitled to maintenance.

Who are dependents?

Dependent is someone who relies on parents, brother or some other relative for sustaining themselves.

[Section 21](#) of the act says that in the context of this act dependents refer to the following relatives of the deceased:

- A father.
- A mother.
- A widow who has not remarried.
- A minor son, grandson, or great-grandson with predeceased father and grandfather. Provided he has not been able to obtain maintenance from any other source.
- Unmarried daughter, granddaughter, or great-granddaughter with predeceased father and grandfather. Provided she has not been able to obtain maintenance from any other source.
- A widowed daughter who has not been able to obtain maintenance from the estate of her husband, children, or from her in-laws.
- Widowed daughter-in-law, or widowed granddaughter-in-law, who has not been able to obtain maintenance from any other sources.
- An illegitimate minor son or illegitimate unmarried daughter.

Do dependents need to be maintained?

Now that we have already seen who dependents are and why they need maintenance, let us proceed further and see how to maintain them and who is obligated to maintain them.

[Section 22](#) of the act states:

- That dependents of a deceased Hindu must be maintained by his heirs with the aid of the estate that they inherited from the deceased.
- When the dependents have not been left with any share in the property or estate by way of will or succession, they are still entitled to be maintained by whoever takes over the estate.
- If multiple persons have taken over the property of the deceased, each one of them will be liable to maintain the dependents.

- The amount of maintenance to be paid will be divided among them depending on the value of the share they hold in that property.
- In case a dependent has obtained some part of share in the property of the deceased, they will not be liable to maintain other dependents.
- Others who have taken over the property will still have to maintain other dependents but the dependent holding a share shall be excluded and maintenance will now be paid from the remaining property.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

Answers: 1-(),2-(), 3-(),4-(),5-()