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**SUSHRUT ARVIND DHARMADHIKARI,  
P.V.KUNHIKRISHNAN &  
G.GIRISH, JJJ.**

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**ICR(Mat.A) No.23 of 2025  
in Mat.A No.23 of 2025**  
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**Dated this the 14<sup>th</sup> day of January, 2026**

**ORDER**

**G.GIRISH,J**

The following are the legal questions referred to us by the Division Bench as per the order dated 11-07-2025 in Mat.Appeal No.1093 of 2014:

- (i) Is a Hindu wife entitled to receive maintenance from the immovable property of her husband dehors the provisions of the Hindu Adoptions and Maintenance Act, 1956?
- (ii) Is there not an apparent conflict between the views expressed in **Vijayan v. Sobhana & Others [ILR 2007(1) Kerala 822]**, or **Sathiyamma v. Gayathri & Others [2013 (3) KHC 322]**, **Nysha v. P.Suresh Babu (MANU/KE/2266/2019)** and **Hadiya (Minor) v. Shameera M.M [2025 (3) KHC 131]**, and what is the correct law?





2. The matter came up in appeal before of the Division Bench when the Family Court concerned refused to allow the claim petition of a person who purchased on 16-07-2007, 5 cents of land out of the 11 cents which belonged to a husband having an estranged relationship with his wife, which led to the attachment of that property on 14-11-2007 in an original petition filed by the wife, and a decree in her favour on 12-03-2009. The contention of the claim petitioner that the wife had no right to receive maintenance from the profits of the property which he purchased even months before the filing of original petition by her for maintenance, was rejected by the Family Court by following the decision of a learned Single Judge of this Court in **Ramankutty Purushothaman v. Amminikutty (AIR 1997 Ker 306)** placing reliance on Section 39 of Transfer of Property Act. The claim petitioner challenged the verdict of the Family Court before the Division Bench contending that none of the provisions of the Hindu Adoptions and Maintenance Act, 1956 ('the Act, 1956' for short) conferred right upon the wife to receive maintenance from the profits of the immovable property which belonged to her husband, and hence Section 39 of the Transfer of Property Act ('the T.P Act' for short) has no applicability in the case on hand. The dictum laid down by a Division





Bench of this Court in **Vijayan v. Sobhana (ILR 2007 (1) Kerala 822)** was relied on by the learned counsel for the claim Petitioner in support of the above plea.

3. The Referral Bench, by taking note of the judicial precedents from **Lakshman Ramachandra v. Satyabhama [(1877) ILR 2 Bom 494]** onwards, on the right of a Hindu wife as per ancient Hindu Law to have maintenance from the property of her husband, sought the assistance of the learned Senior Counsel Adv.Mr.T.Krishnanunni as Amicus Curiae to assist the Court to resolve the issues involved in the case. The learned Amicus Curiae enlightened the Division Bench on all aspects of the issue, right from the historical development of the principle governing the right of a Hindu wife to have maintenance from the properties of her husband, by ratiocinating case laws on the point. The isolated and unique decision of a learned Single Judge of the Madras High Court in **Pavayammal & Another v. Samiappa Goundan & Others [AIR 1947 Mad 376]**, which did not accept the right of a Hindu wife to receive maintenance from the 'profits of the immovable property' of her husband, and which emphasized the need to have something more than mere knowledge of the purchaser about the legal right of the wife over the properties of her





husband (vendor), to invoke Section 39 of the T.P.Act, was brought to the notice of the Referral Bench as a dictum which had been overwhelmingly disapproved by the subsequent decisions of various High Courts.

4. The learned Amicus Curiae took the Referral Bench through the ratios laid down in **Banda Manikyam v. Banda Venkayamma [AIR 1957 AP 710]**, **Chandramma v. Maniam Venkatareddi & Others (AIR 1958 AP 396)**, **Vellayammal v. Srikumara Pillai (AIR 1960 Mad 42)**, **Ramaswamy Goundar & Another v. Baghyammal & Others [(1966) 2 MLJ 579]**, **Alluri Bala Satya Krishna Kumari & Others v. Alluri Varalakshmi & Others (AIR 1976 AP 365)**, **Raghavan & Another v. Nagammal & Another (AIR 1979 Mad 200)**, **Siddegowda v. Lakkamma & Others (AIR 1981 Kant 24)**, **Basudeb Dey Sarkar v. Chhaya Dey Sarkar (AIR 1991 Cal 399)**, **C.Yemuna & Another v. P. Manohara (AIR 2004 AP 317)** and **Sarwan Singh v. Jagir Kaur & Another (AIR 2006 Punjab & Haryana 171)**, wherein the respective High Courts upheld the law based on ancient Hindu Texts that the personal liability of a Hindu husband to provide maintenance to his wife is in addition to his liability to maintain





her out of his property and that the above personal obligation does not negate the wife's right to be maintained from her husband's assets.

5. The Referral Bench also took note of the law laid down by the Single Benches of this Court in **Divakaran v. Chellamma (1985 KLT 1001)**, **Lakshmi v. Valliyammal (1992 (2) KLT 873)**, **Ramankutty v. Amminikutty (AIR 1997 Ker 306)**, and that of the Division Benches of this Court in **Sathiyamma v. Gayathri and Others (2013 (3) KHC 322)**, and **Nysha v. P.Suresh Babu (MANU/KE/2266/2019)** which strongly subscribed to the proposition of law that Section 39 of the T.P.Act creates a charge on the property of the husband for the right of the wife to receive maintenance out of the profits of that property, and the transferee with notice of such right is bound by it. The latest decision of a Division Bench of this Court in **Hadiya (Minor) v. Shameera (2025 (3) KHC 131)**, in the context of Section 39 of the T.P.Act, holding that a gratuitous transfer of property by the husband cannot affect the right of maintenance of the wife out of the profits of that property, is also analysed by the Referral Bench while observing that the views of the Division Bench of this Court in **Vijayan v. Sobhana** (supra) conflicted with the Division Bench decisions in





**Sathiyamma, Nysha** and **Hadiya** mentioned above, and hence an authoritative pronouncement by a Full Bench is necessitated.

6. The Referral Bench further dealt with Section 4 of the Act, 1956 which specifically excluded the applicability of any text, rule or interpretation of Hindu law or any custom or usage in force immediately before the commencement of the Act, 1956, with respect to any matter for which provision is made in that Act, and emphasized the need to lay down the law by a Full Bench on the point whether the principles derived from ancient texts could still have the force of law to create right over immovable property even after the enactment of the Act, 1956 which comprehensively dealt with the law relating to right to receive maintenance from immovable property of a married man governed by Hindu law, and prescribing the circumstances in which such a right would bind the immovable property of such a person.

7. We had the privilege of hearing the learned Amicus Curiae Adv.Sri.T.Krishnanunni, who wholeheartedly accepted our request and took us to the nuances and intricacies of the various legal aspects involved in this case by referring to the case laws exhaustively. We also heard Adv.Sri.S.Balachandran (Kulasekharam) and Adv.Sri.V.R.Gopu, the learned





counsel for the claim petitioner, and Adv.Smt.G.Krishnakumari, the learned counsel for the 4th respondent/husband.

8. The relevant Sections of the T.P.Act and the Act, 1956, which are the subjects of elucidation in this reference, are extracted hereunder for convenience and easy reference:

Section 39 of the T.P.Act

**"39. Transfer where third person is entitled to maintenance.**—Where a third person has a right to receive maintenance, or a provision for advancement or marriage, from the profits of immoveable property, and such property is transferred the right may be enforced against the transferee, if he has notice thereof or if the transfer is gratuitous; but not against a transferee for consideration and without notice of the right, nor against such property in his hands."

Section 28 of the Act, 1956

**"28. Effect of transfer of property on right to maintenance.**—Where a dependant has a right to receive maintenance out of an estate and such estate or any part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of the right."





9. Section 39 of T.P.Act deals with the special privilege and protection of a third person's right to receive maintenance, or provision for advancement or marriage from the profits of immovable property, notwithstanding the transfer of that property. As per the above Section, the person having such right will be entitled to enforce the same against the transferee and the property in his hands, if the transferee had notice of such right, or when the transfer was gratuitous. But for the fact that the said Section confers a privilege and protection similar to that of a charge upon the right holder, in case of transfer of that property, it cannot be said that the Section by itself creates charge on the property concerned. In other words, the pre-requisite of establishing the right of a person to receive maintenance, or provision for advancement or marriage out of the profits of that property is sine qua non to bring into operation the protection afforded to the above right notwithstanding the transfer of the property. Neither the word 'charge', nor its essential requirement of making a property security for the payment of money, find a place in Section 39 of the T.P.Act.

10. The right of a Hindu wife to have maintenance from her husband and his properties, has its origin in ancient Hindu Law which emanated





from Smrities and commentaries authored by Manu, Narada and Yajnavalkya. The above right continued to be recognized by numerous judicial precedents through which the law evolved and advanced making it obligatory for a Hindu husband to fend for his family irrespective of the question whether he owned any property. But the Legislature found it necessary to codify the laws governing the field to bring in uniformity, and to avoid inconsistencies and conflicting views being adopted by courts which interpreted ancient texts in different ways. It is the above scenario which led to the enactment of legislations like Hindu Adoptions and Maintenance Act, Hindu Marriage Act, Hindu Succession Act, etc, in the year 1956.

11. The overriding clause contained in Section 4 of the Act, 1956 expressly excludes the applicability of the texts, rules or interpretation of Hindu law, or any custom or usage which were in force till then, in respect of any matter to which provision is made in that Act. Clause (b) of Section 4 makes it clear that any other law in force immediately before the commencement of that Act shall cease to apply to Hindus in so far as it is inconsistent with any of the provisions contained in that Act. For the sake





of convenience and easy reference, the aforesaid Section is extracted hereunder:

**"4. Overriding effect of Act.**—*Save as otherwise expressly provided in this Act,— (a) any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act; (b) any other law in force immediately before the commencement of this Act shall cease to apply to Hindus in so far as it is inconsistent with any of the provisions contained in this Act."*

12. No one could dispute the fact that the Act, 1956 contains explicit provisions conferring the right on a Hindu wife to have maintenance from her husband.

13. Section 18(1) of the Act, 1956, which declares the right of a Hindu wife to be maintained by her husband, reads as follows:

**"18. Maintenance of wife.** – *(1) Subject to the provisions of this Section, a Hindu wife, whether married before or after the commencement of this Act, shall be entitled to be maintained by her husband during her lifetime."*

14. Section 23(2) of the Act, 1956 enumerates the parameters to be looked into while fixing the amount of maintenance to wife, children and aged or infirm parents. However, the said Act does not contain any





provision making it clear that the maintenance amount due to the wife, children or aged parents of a Hindu male shall be a charge over the property of that person. Nor does the Act, 1956 say in explicit terms that the right of a Hindu wife to have maintenance from her husband extends to the property of the husband as well. At the same time, while dealing with the claim of maintenance of a widow and other dependents of a deceased Hindu male, Section 27 of the Act, 1956 speaks about the limited situations in which such a claim would amount to a charge over the estate of the deceased. As per the above provision, for a charge to be operative over the estate of the deceased, it should have been created by the Will of the deceased, by a decree of court, by agreement between the dependent and the owner of the estate or portion, or otherwise. For the sake of convenience and easy reference, the said Section is extracted hereunder:

***"27. Maintenance when to be a charge.—A dependant's claim for maintenance under this Act shall not be a charge on the estate of the deceased or any portion thereof, unless one has been created by the will of the deceased, by a decree of court, by agreement between the dependant and the owner of the estate or portion, or otherwise."***





15. Section 28 of the Act, 1956, which is identical to Section 39 of T.P.Act (both Sections are extracted in paragraph No.8 above) speaks about the special privilege and protection of a dependant's right to receive maintenance out of an estate, which could be enforced against a transferee having notice of such right, and also against a gratuitous transferee. It is pertinent to note that the Legislature in its wisdom avoided using the term 'charge', which was dealt with in Section 27, when it turned over to Section 28 to confer the special privilege and protection to the 'dependent's right to receive maintenance out of an estate'. In other words, the use of the words, 'dependent's right to receive maintenance' in Section 28, instead of, 'dependent's claim for maintenance as a charge', as dealt with in Section 27, is for the specific purpose of affording privilege and protection to the right of maintenance of a dependent, which was yet to be crystallized as charge by any of the modes narrated in Section 27.

16. For establishing a dependent's claim over the estate of the deceased on the basis of the Will of the deceased, he would have to necessarily initiate legal procedures, unless the Will is not disputed. During the interregnum period from the date of coming into operation of the Will, to the date when the dependent could legally establish the same, there





should be some sort of protection to be afforded (in addition to the principles of lis pendens under Section 53 of T.P.Act) to the estate from alienations. This is one of the situations intended to be taken care of under the protection of Section 28 of the Act, 1956.

17. Likewise, Section 28 affords protection against pendente lite alienations of the estate till the dependent could get a decree in her favour which would henceforth operate as charge under Section 27. Same is the situation when there are chances of alienation of the estate during the period before the negotiations between the present owner of the estate and the dependent could lead to an agreement as stated in Section 27 of the Act, 1956. Section 28 of the Act, 1956, in our view, is intended to afford protection to the above inchoate right of the dependent over the estate of the deceased during the above period when it is in the process of transformation into a charge by fulfilling the requirements outlined in Section 27 of the said Act. Thus, going by the scheme of the Act, 1956, the right of a widow to receive maintenance out of the estate of her deceased husband would have the privilege and protection of Section 28 of the Act, 1956 till it gets ripened into a charge by way of any of the modes as stated in Section 27 of that Act.





18. The meaning of the word 'dependent' is not defined in the Act, 1956, though Section 21 has got the caption 'Dependents Defined'. Section 21 only enumerates a list of the heirs and successors of the deceased who come under the category of dependents, and also the special circumstances under which many of them could be treated as dependents. Wherever the word 'dependent' is used in the Act, 1956, it is linked to a deceased benefactor, provider or supporter who is no more. It is obviously for the said reason that a widow comes under the list of dependents under Section 21, while a wife does not. It thus appears that the Legislature confined the right to receive maintenance out of the estate, only to dependants, which include a widow, visualising the situation that the person who is to provide maintenance is no more. The omission of a Clause enabling the wife to have maintenance out of the estate of her husband, in the Act, 1956, also might have happened under such a scenario where the Legislature took into account the death of the husband as the only situation necessitating the appropriation of his properties towards fending maintenance to his wife and other dependants. That does not mean that the Legislature was of the view that a Hindu wife, who had been denied maintenance by her living husband, will not be entitled to





proceed against his properties for the enforcement of the aforesaid right. It would be nothing short of travesty of justice if a hapless Hindu woman who had been abandoned by her husband was to remain helpless without having the option to proceed against the properties of her husband, and to remain in penury when she is denied maintenance by him. Neither the ancient Hindu laws, nor the principles of law codified by the Act, 1956 propounded such a proposition which would defeat the paramount legal obligation of a husband to provide maintenance to his wife and children. Thus, it has to be concluded that the absence of a provision in the Act, 1956 enabling a Hindu wife to proceed against the properties of her husband when she is denied maintenance by him, can only be an omission, and that the concept in the above regard cannot be said to be one inconsistent with the provisions of the Act, 1956. When viewed in the above perspective, judicial intervention to enforce the above right of a Hindu wife to proceed against the properties of her husband, if she is denied maintenance by him, cannot be said to be against the tenor of Section 4 of the Act, 1956 which outlines the overriding effect of that Act.

19. It is by keeping in mind the above right of a Hindu wife to have maintenance out of the immovable property of her husband, that





Section 39 of the Transfer of Property Act, which is the core issue involved in this case, has to be analysed. As already stated above, Section 39 of the T.P Act protects the right of a third person to receive maintenance or to have a provision for advancement or marriage from the profits of the immovable property, even if it has been transferred by the owner of that property, against whom the aforesaid right of the third person existed. It is provided thereunder that the aforesaid right of the third person could be enforced against the transferee and such property in his hands, under the situations when such transfer is gratuitous, and also when the transferee for consideration was having notice of such right of the third person. Now, the question arises as to the exact point of time when the privilege and protection under Section 39 of the T.P Act would come into operation. Could it be said that the right of a Hindu wife to have maintenance from the immovable property of her husband, is afforded with the privilege and protection of Section 39 of the T.P Act right from the time of her marriage? Or, will the above privilege and protection come into play only when she moves a court of law claiming maintenance from her husband? The answers to these questions are of cardinal importance for the resolution of the legal issue involved in this case.





20. Going by the tenets of Ancient Hindu Law which has been followed in **Banda Manikyam v. Banda Venkayamma** (supra) and various other judicial precedents cited in the foregoing paragraphs, the right of a Hindu wife to have maintenance from the properties of her husband originates the moment when she is married to the owner of those properties. But, the pertinent question which arises in this context is whether a prospective purchaser of those properties could be presumed to be having knowledge of the aforesaid right for the sole reason that he is aware of the fact that the vendor is a married person. If such knowledge about the right of a Hindu wife to have maintenance out of the properties of her husband has to be presumed to be there upon a purchaser who is aware of the fact that his vendor is a married person, then a precarious situation would arise which would make the purchase of immovable properties from married persons highly risky. It would definitely pave the way for rampant misuse of the aforesaid provision of law by unscrupulous sellers who may insist their wives to prefer a claim against the property lawfully transferred to a bona fide purchaser. One of the reasons stated by the Madras High Court in **Pavayamal** (supra) to hold the non-applicability of Section 39 of the T.P Act in the impugned





transfer in that case is the above precarious situation. Having regard to the well-established principles of law which require to strike a balance, when such situations arise, with the avowed objective of giving effect to the purpose sought to be achieved by the legislation, we are of the view that the right which a Hindu wife obtains by her marriage to receive maintenance out of the immovable properties of her husband, has to be presumed to remain in a dormant stage till a cause of action arises by the denial of maintenance to her by her husband. The aforesaid dormant right of a Hindu wife gets transformed into an inchoate right when she moves appropriate legal procedures against her husband for the realisation of maintenance from him. The above said inchoate right will get crystalised as a charge upon the immovable properties of her husband when a competent court declares her right to realise maintenance from her husband. Knowledge of such right could be attributed to the purchasers of those immovable properties right from the stage when it partook the character of an inchoate right, when the estranged Hindu wife initiated appropriate legal procedures for the realisation of maintenance refused by her husband. Thus, the transfer of immovable property would be subject to the right of a third person, conferred under Section 39 of the





T.P Act, from the stage when such third person has initiated legal steps to receive maintenance or provision for advancement for marriage from his/her benefactor (husband, father, son, etc, as the case may be) and his properties. Though the aforesaid inchoate right of the third person would ripen to a typical charge only when a competent legal forum upholds the above right, the claimant will be entitled to enforce the special privilege and protection, akin to a charge, conferred upon him by the said Section if that property is alienated in the meanwhile, by the owner. In our considered view, this is the only logical and reasonable conclusion which could be drawn in reconciliation of the peculiar legal scenario discussed in this case.

21. In the light of the law which we have elucidated as above, it is highly necessary to analyse the decision rendered by a Division Bench of this Court in **Vijayan v. Sobhana and Others [ILR 2007(1) KER 822]**, for answering the second point referred to us. That was a case where the wife and children of a person professing Hindu religion, were living separately since 31.03.1989. The immovable property belonging to that person was purchased by the appellant therein on 12.06.1989. In the year 1995, the wife and children instituted the suit before Family Court for





maintenance charged on that property. The suit was decreed on 20.01.2001 permitting the wife and children to realise maintenance @ Rs.400/- for the wife and Rs.300/- each for the children, from the husband, charged on the property sold to the appellant, and also from the other estates of the husband. The aforesaid decree was passed relying on the principles of law envisaged under Section 39 of the Transfer of Property Act, 1882 and Section 28 of the Hindu Adoptions and Maintenance Act, 1956. Though no relief was sought for declaration of the sale deed in favour of the purchaser as a sham document, the Family Court framed an issue in that regard, and held that the transaction was collusive, and the sale deed was sham and created with a view to defeat the claim of the wife and children. The Division Bench reversed the above findings of the Family Court on the basis of the following conclusions:

- i) Section 28 of the Hindu Adoptions and Maintenance Act, 1956 has no applicability since the wife and children do not come within the class of persons enumerated as 'dependents' in Section 21 of the said Act.
- ii) Section 39 of the Transfer of Property Act, 1882, also does not apply to the facts and circumstances of the case since the right of the wife and children to claim maintenance is only against the person in his





capacity as husband and father respectively, and not against the profits of immovable property held by him.

22. With great respect to the Hon'ble Judges who rendered the said verdict, we strongly disagree to both the above propositions held in the aforesaid decisions. As regards the points stated above, it is to be noted that the wife and children of a deceased Hindu are very well there as widow, minor son and unmarried daughter, among the persons shown as dependents in Section 21 of the Act, 1956. We have already observed in paragraph No.18 above that the word 'dependent' is used in the Act, 1956 as the kinsfolk of a deceased Hindu, and not in the context of a benefactor, supporter or provider who is alive. We have also opined in the same paragraph that the omission of a clause enabling the wife to have maintenance out of the estate of her living husband in the Act, 1956, might have happened under such a scenario where the Legislature took into account the death of the husband as the only situation necessitating the appropriation of his properties towards fending maintenance to his wife and other dependents, and that it does not mean that the Legislature was of the view that a Hindu wife who had been denied maintenance by her living husband, will not be entitled to proceed against his properties





for the enforcement of the aforesaid right. At the risk of repetition, we hereby reiterate our view that it would be nothing short of travesty of justice if a hapless Hindu woman who had been abandoned by her husband was to remain helpless without having any option to proceed against the properties of her husband, and to remain in penury when she is denied maintenance by him. We further assert the point that neither the Ancient Hindu Laws, nor the principles of Law codified by the Act, 1956, propounded such a proposition which would defeat the paramount legal obligation of a husband to provide maintenance to his wife and children, whether it be from his personal income, or out of the profits of the immovable property held by him. The entitlement of a Hindu wife under Section 18 of the Act, 1956 to have maintenance from her husband is not only confined to his person but it extends to the estate of the husband as well. Therefore, the view expressed to the contrary in **Vijayan v. Sobhana** (supra) which is against the predominant views of the other Division Benches in **Sathiyamma**, **Nysa** and **Hadiya** (supra) cannot be said to be good law. However, in the peculiar facts of that case (**Vijayan v. Sobhana**), the purchaser of the property cannot be presumed to have knowledge about the right of maintenance of the wife





from the profits of that property since the sale took place about six years before the institution of suit for maintenance by the wife, at a time when her right was in the dormant stage. But, if there were evidence to show that the purchaser was aware, at the time of sale, about the denial of maintenance by the seller to his wife and children, and the claim of maintenance raised against the seller by his wife and children, or if there were sufficient reasons to show that the transfer was gratuitous, then the privilege and protection of Section 39 of the Transfer of Property Act would be available to the claimants in that case.

23. In conclusion to the discussions aforesaid, we answer the reference made as follows:

- (i) A Hindu wife is entitled to receive maintenance from the immovable property of her husband *dehors* the provisions of the Hindu Adoption and Maintenance Act, 1956.
- (ii) The aforesaid right of the Hindu wife has to be presumed to be in a dormant stage till she initiates legal steps to realise maintenance from her husband and his properties, or till she is deprived of such maintenance due to the death of her husband.
- (iii) During the above dormant stage of the aforesaid right, the purchasers of the immovable properties belonging to the





husband of that Hindu wife cannot be presumed to be having the knowledge of such right for invoking Section 39 of the Transfer of Property Act, 1882, or Section 28 of the Hindu Adoptions and Maintenance Act, 1956. However, if there existed evidence to show that the purchaser, at the time of sale, was aware of denial of maintenance by the seller to his wife and any subsisting claim for maintenance which arose out of such denial, or if there were reasons to show that the transfer was gratuitous, then the wife's right for maintenance will get the protection and privilege of Section 39 of the T.P Act.

- (iv) If any such transfer is effected during the period when a legal action, which even include the registered legal notice issued by the wife to her husband, has been initiated for getting maintenance from the husband and his properties; or during the period when she is deprived of such maintenance due to the death of her husband, then the purchaser shall be deemed to be having the knowledge of such right for the purposes of Section 39 of the Transfer of Property Act, 1882 or Section 28 of the Hindu Adoptions and Maintenance Act, 1956, as the case may be.
- (v) The law laid down by a Division Bench of this Court in **Vijayan v. Sobhana & Others [ILR 2007(1) Kerala 822]** cannot be termed to be one expounding the correct proposition of law insofar as it holds that the wife and





children of a Hindu do not have any right to claim maintenance from the profits of the immovable property held by that person.

24. This Court places on record its appreciation to the valuable assistance rendered by the learned Amicus Curiae, Senior Adv.Mr.T.Krishnanunni, in enlightening us about the nuances and intricacies of various legal aspects involved in this case by referring to the case laws exhaustively.

Registry shall transmit this order, along with case records, to the Division Bench concerned for further procedures in the Matrimonial Appeal.

(sd/-)

**SUSHRUT ARVIND DHARMADHIKARI, JUDGE**

(sd/-)

**P.V.KUNHIKRISHNAN, JUDGE**

(sd/-)

**G. GIRISH, JUDGE**