



HIGH COURT OF UTTARAKHAND AT NAINITAL

First Appeal No. 68 of 2018

10 July, 2026

Smt. Arshdeep Kaur Grewal & others

--Appellants

Versus

Lakhvir Singh Grewal

--Respondent

Presence:-

Mr. M.K. Ray, learned counsel for the appellant.

Mr. Vivek Kathait, learned counsel holding brief of Mr. Harshpal Sekhon, learned counsel for the respondent.

With

First Appeal No.74 of 2018

Lakhvir Singh Grewal

--Appellants

Versus

Smt. Arshdeep Kaur Grewal & others

--Respondent

Presence:-

Mr. Vivek Kathait, learned counsel holding brief of Mr. Harshpal Sekhon, learned counsel for the appellant.

Mr. M.K. Ray, learned counsel for the respondents.

Coram :Hon'ble Manoj Kumar Tiwari, J.

Hon'ble Pankaj Purohit, J.

Per: Hon'ble Pankaj Purohit, J.

The two connected first appeals arise out of the common judgment dated 07.03.2018 and decree dated 15.03.2018 passed by the learned Judge, Family Court, Udham Singh Nagar at Rudrapur in Family Case No. 542 of 2014, instituted under Section 19 of the Hindu



Adoptions and Maintenance Act, 1956.

2. The facts of the case are that the plaintiff before the Family Court, namely Smt. Arshdeep Kaur Grewal, along with her two minor children, instituted the suit seeking maintenance from her father-in-law, Lakhveer Singh Grewal, after the death of her husband, Late Kulvinder Singh Grewal @ Vikki, died in a road accident. It was pleaded that the plaintiff-wife had no independent source of income to maintain herself and her minor children and, therefore, she claimed maintenance of Rs.20, 000/- per month from the defendant-father-in-law. The defendant contested the suit by filing his written statement denying liability and contending, inter alia, that the plaintiffs had already received compensation in the motor accident claim proceedings, were residing with and supported by the parental family of plaintiff No.1, and were otherwise not entitled to maintenance as claimed. Upon appreciation of the oral and documentary evidence adduced by the parties, the learned Family Court partly decreed the suit and directed the defendant to pay maintenance of Rs.8,000/- per month to the plaintiffs.

3. Aggrieved thereby, First Appeal No. 68 of 2018 has been preferred by the plaintiffs seeking enhancement of the maintenance amount from Rs.8,000/- to Rs.20,000/- per month, whereas First Appeal No. 74 of 2018 has been preferred by the defendant seeking setting aside of the judgment and decree. Since both the appeals arose out of the same judgment and decree and involve common questions of fact and law, therefore, they are being decided by this common judgment.



Submissions on behalf of the appellants in First Appeal No. 68 of 2018

4. Learned counsel for the appellants/plaintiffs submitted that the learned Family Court has erred in awarding a meagre sum of Rs.8,000/- per month as maintenance, which is wholly inadequate for the maintenance of the widow and two minor children. It was contended that appellant No.1 has no independent source of income and is solely responsible for maintaining the minor children after the untimely death of her husband. It was further argued that the respondent/father-in-law possesses sufficient movable and immovable properties and has adequate means to maintain the appellants. The learned Family Court, while partly decreeing the suit, failed to appreciate the financial status of the respondent and the growing educational and day-to-day expenses of the minor children.

5. It was also submitted that the compensation received in the motor accident claim cannot be treated as a substitute for the statutory right of maintenance under the Hindu Adoptions and Maintenance Act, 1956. Therefore, the maintenance awarded deserves to be enhanced from Rs.8,000/- to Rs.20,000/- per month.

Submissions on behalf of the appellant in First Appeal No.74 of 2018

6. Learned counsel for the appellant-defendant in First Appeal No.74 of 2018 submitted that the learned Family Court has erred in fastening liability upon the appellant despite the fact that respondent No.1 is residing with her parental family, who are financially well placed and capable of supporting her. It was further contended that the respondents had already received



substantial compensation in the motor accident claim proceedings, which has been ignored by the learned Family Court. It was further argued that the learned Family Court failed to properly appreciate the evidence on record and overlooked the fact that the respondents have sufficient means for their maintenance. It was thus prayed that the impugned judgment and decree awarding maintenance be set aside.

7. Heard learned counsel for the parties and perused the record as well as impugned judgment and order carefully. The principal grievance in First Appeal No. 68 of 2018 is that the maintenance awarded by the learned Family Court is inadequate and deserves enhancement, whereas in First Appeal No. 74 of 2018, the appellant seeks complete setting aside of the decree awarding maintenance. Upon a careful examination of the pleadings, oral and documentary evidence and the impugned judgment, this Court finds that the learned Family Court has duly appreciated the material available on record and has recorded findings based on the evidence adduced by the parties. No perversity, illegality or material irregularity has been pointed out warranting interference in appellate jurisdiction.

8. The Family Court has considered the financial condition of the parties, the status of the widow and the minor children, as well as the objections raised by the father-in-law before determining maintenance at Rs.8,000/- per month. The appellants in First Appeal No. 68 of 2018 have failed to demonstrate that the amount so awarded is grossly inadequate so as to justify enhancement. Likewise, the appellant in First Appeal No.



74 of 2018 has failed to establish any legal or factual infirmity in the findings recorded by the Family Court so as to warrant setting aside the decree. It cannot be a ground to deny maintenance to the appellant-plaintiff that they had received compensation in a Motor Accident Claim case. This Court, therefore, finds no reason to interfere with the well-reasoned judgment passed by the learned Family Court.

9. Accordingly, both first appeal No.68 of 2018 and first appeal No.74 of 2018 are dismissed. The judgment and order dated 07.03.2018 and decree dated 15.03.2018 passed by the learned Judge, Family Court, Udham Singh Nagar at Rudrapur in Family Case No. 542 of 2014 is hereby affirmed.

10. Let Family Court record be sent back to the court concerned for compliance.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
10.07.2026

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