

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.23679 of 2014
Date of Decision : 30.10.2015**

Sukhwinder Singh

..... Petitioner

Versus

Palvi (minor) through her mother Smt. Kulwinder Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arun K. Bakshi, Advocate
for the petitioner.

Mr. Sanjiv Pandit, Advocate
for respondent.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing of order dated 08.11.2013 (Annexure P-5) passed by JMIC Hoshiarpur granting interim maintenance of Rs.2000/- p.m. to the respondent-child.

Learned counsel for the petitioner has raised two arguments. The first argument is that when the parents separated the petitioner had paid lumpsum amount of Rs.50,000/- to the mother and the mother had agreed that with this amount she would bring up the daughter and would not claim any amount for further maintenance.

Learned counsel for the respondent has argued that this assertion may be valid against the mother but cannot be valid against the minor daughter.

I find weight in the argument of learned counsel for the respondent. The minor daughter could not and never consented to this covenant in the agreement. In the circumstances, it has to be held that this covenant did not bind the minor daughter.

The second argument of the learned counsel for the petitioner is that the minor daughter has been adopted by the second husband of mother.

Learned counsel for the respondent on the other hand has argued that this is merely an assertion because neither any adoption has taken place nor there is any proof of the same.

Learned counsel for the petitioner has not been able to show any proof of adoption.

Consequently, this argument is also rejected. Moreover, here is a case where the father is trying to avoid his responsibility towards his minor daughter by not paying Rs.2000/- p.m. awarded as maintenance on the basis that he had made the lumpsum payment of Rs.50,000/- which is barely enough to keep body and soul together.

Resultantly, the petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

October 30, 2015

**(AJAY TEWARI)
JUDGE**