

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4792 OF 2015

Rajeshwari D/o Shri Bhunu Ram aged about 35 years R/o Home No.11-C Street No.VI Sector-II Bhilai Tahsil and District Durg (CG)

---Petitioner

Versus

1. Bhunu Ram son of Dukhit Ram aged about 60 years R/o Qtr.No.3-D Resali Sector Bhilai District Durg (CG)
2. Bhilai Steel Plant through Managing Director Ispat Bhawan Bhilai District Durg (CG)
3. Assistant Manager Finance Department Bhilai Steel Plant Ispat Bhawan Bhilai District Durg (CG)

----Respondents

For Petitioner : Mr. T.K. Tiwari, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

07/01/2016

1. The petitioner who is unmarried daughter of respondent No.1 has filed this writ petition stating *inter alia* that her father is not maintaining her and is staying with one Smt. Uma Bai unauthorizedly. It was further pleaded that respondent No.1 is likely to retire from Bhilai Steel Plant and Bhilai Steel Plant is likely to release Rs.55,00,000/- in favour of respondent No.1 as retiral

dues. It was further case of the petitioner that she is not being maintained by respondent No.1, therefore, appropriate writ be issued directing respondents No.2 & 3 to release a part of retiral dues to the tune of Rs. 20,00,000/- in favour of the petitioner.

2. I have heard learned counsel for the petitioner.

3. The petition framed and filed seeking Rs.20,00,000/- for maintenance of the petitioner is not maintainable in law. The petitioner is unmarried daughter of respondent No.1, if she is entitled for maintenance not being maintained by respondent No. 1 and is unable to maintain herself, then by virtue of Section 20(3) of the Hindu Adoptions and Maintenance Act, 1956, she has to approach before the jurisdictional Civil Court/Family Court and file appropriate application for maintenance in accordance with law, but this instant writ petition cannot be maintained.

4. Accordingly, the writ petition is dismissed as not maintainable reserving liberty to the petitioner to file appropriate application before the appropriate Civil

Court/Family Court.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE