

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7307 of 2015

Date of Decision: 23.02.2016

Arshdeep Kaur

... Petitioner(s)

Versus

Pritam Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

- | | | |
|----|---|------------|
| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Jatinder Singla, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 25.11.2014, passed by learned Additional Civil Judge (Senior Division), Sangrur, whereby petitioner was not held entitled to interim maintenance from her grand father.

Learned counsel for the petitioner submitted that petitioner being minor daughter of Nirbhai Singh son of Pritam Singh-respondent was entitled to seek maintenance allowance from her grand father. But the Court below has not considered this aspect while passing the order under challenge. Reliance was placed upon judgment rendered by the

co-ordinate Bench of this Court in ***Nachhattar Singh v. Satinder Kaur and Others 2007(4) RCR (Civil) 826***, wherein such a view was taken.

Having considered the submissions made by learned counsel for the petitioner; facts of the case and view taken by the co-ordinate Bench of this Court in ***Nachhattar Singh's case (supra)***, this Court is of the considered view that most of the facts are not disputed that application under Order 33 Rule 1 CPC was filed and present petitioner had sought maintenance from her grand father. The application was contested by respondent *inter-alia* taking the plea that applicant is not entitled to seek any maintenance because she is living with Jasvir Kaur, who has sufficient property/estate from which the applicant is being maintained by her mother. After the death of Nirbhai Singh, Jasvir Kaur had obtained ₹ 90,000/- as cash and several tolas of gold from the respondent. Apart from that, Jasvir Kaur has got other source of income.

The Court below, after considering the entire facts, rightly came to the conclusion that as per provisions of Section 21 of the Hindu Adoptions and Maintenance Act, 1956, dependents include father, mother and maintenance can be sought from grand father. The Court below, while deciding the application for interim maintenance, observed that mother of the applicant is capable of maintaining her daughter having sufficient means of income and as such, she is not entitled to seek maintenance from grand father.

As per view taken by this Court in ***Nachhattar Singh's***

case (*supra*), grand father is liable to maintain grand children if income of their parents is inadequate for their maintenance.

The Court below, having observed on the basis of material before it, decided that mother is capable to maintain the applicant and as such the application was dismissed. There is absolutely no illegality in the order under challenge and present petition stands dismissed.

(Shekher Dhawan)
Judge

February 23, 2016

"DK"