

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.96 of 2016

Date of Decision. 11.01.2016

Vijay Partap Singh

.....Petitioner

Vs.

Gurmeet Kaur

.....Respondent

Present: Ms. Puja Chopra, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The revision petition is against the order of maintenance granted @₹7,000/- per month for the mother against the son. The son is a Captain in the Army. The contention in defence had been that the mother is herself a pensioner and she is receiving ₹10,000/- per month. Along with the mother, she has also her daughter who is divorced and has come back home. The son was taking a plea that the mother herself has sold the property about 3 kanals and realized the sale consideration of ₹3 lacs stated ostensibly, though the consideration received was far more than that. There has also been a family settlement where the mother has taken the benefit of allotment of house and he has been granted only a vacant land of 7 marlas adjacent to the property. The mother is well provided for and the petition is filed only at the instance of the divorced sister.

2. ₹10,000/- pension or a sale of the property by the mother

could be taken note of for consideration of interim maintenance but will not take away the obligation of son to maintain the mother when the mother contends that the amount which she is getting is not sufficient for her living. It will also be no plea by the son to contend that the divorced sister is also residing along with the mother and the petition is filed only at the instigation of the sister.

3. It would not require even an instigation for a sister to make the mother in force a claim to maintenance. If the mother feels morally and legally obliged to take care of the daughter who has come back home after her divorce and her own resources are not sufficient to take care of herself and her divorced daughter, it will be only appropriate that the Court determines the maintenance in the peculiar circumstances that are brought before the Court. If it has allowed for maintenance @₹7,000/- per month, it can hardly be taken to be high considering the present market conditions and the reasonable wants of the mother. The son's complaint is that he has large family to take care of himself, his wife and three children. He will take the mother to be yet another person to whom he is legally bound to provide maintenance and the amount of ₹7,000/- awarded by the Court below can hardly be taken as amount which can be interfered in the revision petition.

4. The order is maintained and the civil revision is dismissed.

(K. KANNAN)
JUDGE

January 11, 2016
Pankaj*