

136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.6746 of 2016 (O&M)
Date of Decision: November 21, 2016

Darshan Singh

.....Appellant

Versus

Paramjit Kaur and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gurcharan Dass, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of learned counsel for the appellant that as per the written statement, which has been filed, neither the daughter-in-law nor one of the grandsons Gurjot Singh -respondent No.2 would be entitled to claim maintenance as Paramjit Kaur, the daughter-in-law/respondent No.1 is employed in Anganwadi and Gurjot Singh is a major i.e. more than 18 years of age. He contends that only Manvir Kaur, a minor grand daughter of the appellant, would be entitled to maintenance, if any. He, contends that these facts with regard to the daughter-in-law being employed and Gurjot Singh (grandson) being major, have not been disclosed in the claim petition and, therefore, the bonafides on the part of respondent Nos.1 and 2 can very well be ganged. The order dated 26.08.2016, which has been passed by the Court below, is without hearing the appellant and is being continued without further hearing on this aspect. He points out that the written statement has been filed by the appellant and the next date of hearing before the Court below is 05.12.2016.

Having heard counsel for the appellant and on going through the impugned order, this Court is of the opinion that the order dated 26.08.2016, which has been passed by the Court below and is being challenged herein is only an interim order with an intention to protect the right of maintenance of the respondents. Let the appellant press his aspect on the question the interim order passed in favour of the respondents herein on the next date of hearing, which shall be taken into consideration by the Additional Civil Judge, Senior Division, Ludhiana who shall make an endeavour to pass an appropriate order in this regard on hearing both the parties.

With these observations, the present appeal stands disposed of.

Since the main appeal stands disposed of, *CM No.23475-CII of 2016* for stay is disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 21, 2016

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No