

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.1689 of 2017
Date of decision:8.3.2017**

Dr.Balwinder Singh

...Petitioner

Versus

Dr.Devinder Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Aayush Gupta, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 18.1.2017 passed by the learned Additional District Judge, whereby petitioner-father was directed to maintain only his unmarried daughter by paying monthly maintenance, petitioner has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

It is a matter of record and not in dispute that although the respondent-wife alleged that petitioner-husband was earning more than Rs.1.70 lacs per month as salary, yet petitioner admitted his carry home salary to be Rs.1.10 lac per month, as per his own affidavit filed before the court below. Since the respondent-wife is also working, the learned Additional District Judge rightly held that the respondent-wife was not entitled for any maintenance from the husband-petitioner.

Under these circumstances, the learned court below rightly treated the petition under Section 26 of the Hindu Marriage Act, 1955 (the

Act' for short) and passed the impugned order, directing the petitioner to pay an amount of Rs.33,000/- per month to his daughter till she is married or main petition under Section 13 of the Act pending between petitioner and respondent No.1, is decided.

During the course of hearing, when specifically and repeatedly asked to point out any kind of difficulty with the petitioner in paying the amount to his own daughter, as per the impugned order, he had no answer and rightly so, it being a matter of record. It was also not argued case on behalf of the petitioner that he was having any other financial responsibility. As the respondent-wife is also working and getting her salary of more than Rs.1 lac per month, the learned court below was well justified in holding the respondent-wife was not entitled to any maintenance from the petitioner-husband. Having said that, this Court feels no hesitation to conclude that the learned Additional District Judge was well within his jurisdiction to pass the impugned order and the same deserves to be upheld.

Petitioner being father of respondent No.2, it is his legal as well as moral obligation to maintain his unmarried daughter. It also goes without saying that unmarried daughter would be entitled to lead a comfortable life, as per the status and standard of the family, particularly when both of her parents are well qualified and are getting their respective monthly salary of more than Rs.1 lac per month. Once there was no other financial responsibility of the petitioner, as noticed hereinabove, the learned Additional District Judge, has rightly directed the petitioner to pay Rs.33,000/- per month to his daughter, which is less than one third of the admitted monthly salary of the petitioner.

Under the abovesaid undisputed fact situation, it can be safely

concluded that the learned court below committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also. The view that has been taken by this Court also finds support from the judgement of the Hon'ble Supreme Court in **Laxmappa and others Vs. Balawa Kom Tirkappa Chavdi, 1996(5) SCC 458** and Division Bench judgment of this Court in **Satish Sharma Vs. Bimla Devi @ Meenu, 2016 (3) RCR (Civil) 709**.

The entire case of the petitioner is based on technicalities alone. Without there being any sufficient cause or reason, he is trying to run away from his legal, social as well as moral obligation, while refusing to maintain his own unmarried daughter. Had there been any genuine difficulty expressed on behalf of the petitioner, showing his inability to maintain his unmarried daughter by paying the monthly amount of maintenance, as directed by the learned court below vide impugned order, matter might have been different. However, since no difficulty at all much less is genuine difficulty is forthcoming, which may entitle the petitioner for any relief, at the hands of this Court, the impugned order deserves to be upheld, for this reason as well.

It is also pertinent to note here that owing to the standard of living of the family of the petitioner, monthly amount of maintenance, as ordered by the learned court below vide impugned order, cannot be said to be on higher nor it has been so argued on behalf of the petitioner. In fact, the amount of maintenance awarded by the learned court below will not be sufficient for the daughter of the petitioner for pursuing her higher study. Respondent No.1, wife of the petitioner and mother of respondent No.2, who have been spending the money on the education of her daughter, will

have to pay the money for higher study of respondent No.2, whenever it will be required beyond the monthly amount of maintenance awarded by the learned court below.

Respondent-wife is already taking care of the daughter and she is not running away from her responsibility as mother. It is only the petitioner, who on one or the other pretext, is trying to avoid his legal as well as moral responsibility in maintaining his own daughter. Under this peculiar fact situation, no fault can be found with the impugned order passed by the learned Additional District Judge and the same deserves to be upheld.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

8.3.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No