

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**FAO No.1426 of 2017**

DATE OF DECISION: MARCH 3, 2017

ADISH SURI

...APPELLANT

VERSUS

RICHA SURI

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI.**

PRESENT: MR. PANKAJ KUMAR, ADVOCATE FOR THE APPLICANT.

**M. JEYAPPAUL, J.**

1. Defendant before the trial Court Adish Suri, the father of the plaintiff Ms. Richa Suri, aggrieved by the directions of the trial Court to pay a sum of ₹3,50,000/- to the plaintiff towards her marriage expenses under Section 20 and 23 of the Hindu Adoption & Maintenance Act, 1956 has filed the present appeal.

2. It was the contention of the plaintiff who is the respondent herein that she was granted maintenance by the Family Court, Faridabad @ ₹6000/- per month vide judgement dated 16.2.2011. The petition filed by her under Section 25 of the Hindu Adoption & Maintenance Act praying for enhancement of the said maintenance is pending disposal. She has contended that she had done her Masters degree in Physiotherapy and obtained a degree from Parkash Institute of Physiotherapy Rehabilitation and Allied Medical Science. She has attained marriageable age. Her mother is in search of a suitable match for her. The defendant who is the appellant herein being the father of the respondent is liable to bear the marriage expenses of his daughter. She has contended that her

father is earning a sum of ₹2 lakhs per month from a reputed company.

3. The defendant who is the appellant herein submitted that he has been paying a sum of ₹6000/- per month towards maintenance to the respondent right from July, 2007. Having completed her Masters Degree in Physiotherapy in 2014, she worked in R.R. Army Hospital. Thereafter, she started serving in Metro Speciality Hospital. She is drawing a handsome salary from the said organization. The mother of the complainant is an established lawyer having 11 years standing at the Bar. The defendant is 56 years old and is about to retire in the next 2 years. As he did not have any savings, he is unable to shoulder the marriage expenses of the plaintiff.

4. The trial Court having rejected the plea of the defendant that the plaintiff was not entitled to get marriage expenses from the defendant, considering the requirement of the plaintiff and her status in the absence of any income derived by her, directed the defendant to pay a sum of ₹3,50,000/- to her towards her marriage expenses.

5. Learned counsel appearing for the appellant/defendant vehemently submitted referring to the admissions made by the respondent that she had resigned from the job of Metro Hospital in order to carry on her clinical work and for her better prospects. It is his submission that the qualifications acquired by the respondent, her confidence to better her prospects by continuing her clinical work after resigning a covetable post in Metro Hospital would go to establish that she had acquired earning capacity. Further, it is his submission that the appellant who has been paying a sum of ₹6000/- per month towards maintenance should not have been directed to pay a sum of ₹3,50,000/- towards

marriage expenses to the respondent. Referring to the decision of the Hon'ble Kerala High Court in *Muhammed vs. Kunhayisha, 2003(3) KLT 106*, it was submitted by learned counsel appearing for the appellant that the respondent who is capable of maintaining herself with higher qualification she has acquired, is not entitled to seek maintenance.

6. Let us first take up the legal proposition as regards the maintainability of such a prayer made by the respondent seeking maintenance in the shape of marriage expenses apart from the monthly maintenance already ordered by the Family Court. Section 3(b) of the Hindu Adoption & Maintenance Act, 1956, reads that the maintenance includes in the case of an unmarried daughter the reasonable expenses of and incident to her marriage as well. Therefore, under the above provision of law, the unmarried daughter is entitled to seek maintenance towards the marriage expenses as well.

7. The respondent has filed the suit under Sections 20 and 23 of the Hindu Adoption & Maintenance Act, 1956. Section 23 of the Act deals with the discretion of the Court that shall be exercised while determining the quantum of maintenance and the actual mode of determining the amount of maintenance. A bare reading of Section 20(3) of the said Act makes it clear that the father of an unmarried girl who is unable to maintain herself due to her own earnings or other properties, is entitled to get maintenance from the father as already held by this Court in terms of Section 3(b) of the Act. Maintenance includes “reasonable expenses” that may be incurred by unmarried daughter towards her marriage. In the light of the above legal proposition, it is held that the respondent who is the unmarried daughter is entitled to seek marriage expenses

despite monthly maintenance already awarded by the Family Court, if she is able to demonstrate that she is unable to perform her marriage out of her earnings and other properties.

8. It is true that the respondent is getting a sum of ₹6000/- per month towards maintenance from the appellant. Of course, the respondent is well qualified in physiotherapy discipline, but the documents on record demonstrate that she had resigned from Metro Hospital with a view to carry on her own clinical work and for her better prospects. It has been the contention of the respondent that she had not started her clinical work as intended while resigning from Metro Hospital. There is no proof to show that the respondent has been employed gainfully and is capable of maintaining herself. Therefore, in our considered view, the trial Court has rightly held that the respondent is entitled to maintenance towards the marriage expense of the respondent.

9. In **Muhammed's case** (supra), the Kerala High Court had an occasion to deal with the plea of maintenance made by a daughter under Section 125 of Criminal Procedure Code. Section 125(1)(c) of the Cr.P.C. reads that an unmarried daughter who has attained majority is also entitled to maintenance when she could establish that she is unable to maintain herself due to physical and mental abnormality or some injury sustained by her.

10. The respondent had not invoked the provision under Section 125 of Cr.P.C. She had in fact invoked the provisions of Section 25 of Hindu Adoption & Maintenance Act seeking maintenance towards marriage expenses. The parameters adumbrated under Section 125 Cr.P.C. are totally different from the guidelines found under Section 3(b) and Section 20(3) of the Hindu Adoption

& Maintenance Act, 1956. An unmarried daughter who has attained majority can claim maintenance only if she had some physical or mental abnormality or some injury sustained by her had crippled her from maintaining herself. But no such condition is contemplated under Sections 3(b) and 20(3) of the Hindu Adoption & Maintenance Act, 1956. In other words, as per the above Act, if an unmarried daughter could establish that she was unable to maintain herself out of her own earnings or other properties, she is entitled not only to day to day maintenance but also to maintenance towards the marriage expenses. Therefore, we do not find any merit in the submission that the respondent is not entitled to seek maintenance when she is physically and mentally fit to maintain herself.

11. Further, in our considered view, a sum of ₹3,50,000/- awarded by the trial Court towards marriage expenses is not at all on the higher side. At any rate, the appellant being the father is bound to share the expenses that may be incurred by the respondent towards her marriage. Therefore, we do not find any merit in the appeal and accordingly, the same stands dismissed.

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12. As the main case has been disposed of today, the application seeking stay has become infructuous and accordingly, it stands dismissed.

**(M. JEYAPPAUL)**  
**JUDGE**

March 3, 2017  
Gulati

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

Whether Speaking/Reasoned : Yes  
Whether Reportable : No