

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 101

RSA-513-2016 (O&M)

Decided on : 08.09.2017

Manmohan Singh

..... Appellant

VERSUS

Harjap Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.T.P.S.Makkar, Advocate,for the appellant.

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DEEPAK SIBAL, J. (ORAL)

The respondent, who is the appellant's daughter, filed before the Trial Court a suit under Section 20 read with Section 25 of the Hindu Adoptions and Maintenance Act, 1956 (for short the 'Act') through which she claimed maintenance for defraying her marriage expenses. The case set up by the respondent was that on 17.01.1982 the appellant got married to Sukhwinder Kaur and on 28.10.1983 the respondent was born out of the wedlock. On 11.01.1988 saw the birth of the respondent's younger sister-Prabhjap Kaur but since the appellant was desirous of begetting a male child, he was highly disappointed with the mother of the respondent for having given birth to two female children. The above events led to the appellant subjecting Sukhwinder Kaur, the respondent and her younger sister to both physical and mental cruelty and finally in the year 1990 the appellant left them for good and went to the United Kingdom from where in the year 1992 he shifted to Canada only to return in January, 2004. In the interregnum the respondent, her mother and her younger sister, who was both deaf and dumb, made repeated requests to the appellant to return to them as they needed him for both emotional and financial support.

However, their requests fell on deaf and cruel ears. On 27.12.2003 the respondent

was engaged to be married with Jatinder Singh. Her shagun ceremony was fixed for 28.12.2004 and her Anandkarj ceremony on 29.12.2004. As for such ceremonies expenses were required to be met with and the respondent, her mother and her younger sister did not have the adequate finances, they borrowed Rs.10 lakhs from the respondent's uncle and aunt as also an additional sum of Rs.5 lakhs from other relatives. As the respondent was the appellant's unmarried daughter, under Section 20 of the Act, it was the appellant's duty to maintain her and on his refusal to do so the suit was filed for the reliefs mentioned above.

On appearance before the Trial Court the appellant sought the dismissal of the respondent's suit on the grounds that he had been sending sufficient money to the respondent; the respondent's mother was having adequate means to get the respondent married of as she was running a boutique from which she had an income of Rs.20,000/- per month; the respondent's mother was not allowing the appellant to live in the house constructed with the funds sent by him from abroad and therefore for her faults he could not be penalized and that the marriage of the respondent was performed by her mother Sukhwinder Kaur without any intimation to him.

Finding merit in the case of the respondent, the Trial Court decreed her suit and directed the appellant to pay to the respondent a sum of Rs.5 lakhs as maintenance to defray her marriage expenses. The appellant appealed against the judgment and decree by the Trial Court on the dismissal of which he has knocked the doors of this Court through the present second appeal.

The solitary contention raised by learned counsel for the appellant is that both the Trial Court as also the Appellate Court erred in law and in fact in directing the appellant to pay to the respondent an amount of Rs.5 lakhs as maintenance to defray the marriage expenses of the respondent as no evidence with regard to incurring of such expenses was led by the respondent.

The above contention does not merit a favourable consideration.

It is not disputed that the respondent is the appellant's daughter who at the young age of seven years was deserted by her father and that since the time the appellant left India in the year 1990 he did not return for about fourteen years. During such period the appellant not only deprived the respondent, but also his wife-Sukhwinder Kaur and his younger deaf and dumb daughter from his love and affection as also emotional support. During the above period of the appellant's indifference, the respondent having attained marriageable age, in the year 2004 was married off by her mother.

Section 20 of the Act reads as under:-

“20. Maintenance of children and aged parents.- (1) Subject to the provisions of this section a Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents.

(2) A legitimate or illegitimate child may claim maintenance from his or her father or mother so long as the child is a minor.

(3) The obligation of a person to maintain his or her aged or infirm parent or daughter who is unmarried extends in so far as the parent or the unmarried daughter, as the case may be, is unable to maintain himself or herself out of his or her own earnings or other property.”

As per the afore-quoted provision it is the duty of a father to maintain, amongst others, his unmarried daughter and that is exactly what the respondent had sought from the appellant through the present suit. Section 20 of the Act, as quoted above, casts a statutory obligation upon a father to maintain his unmarried daughter and such maintenance would also include her marriage ceremony.

It is true that the respondent was not able to prove the exact expenses incurred during her marriage. However, in the absence thereof it cannot be said that no expenses were incurred and therefore both the Trial Court as also the Appellate Court after considering the status and standard of living of the parties determined the expenses to be Rs. 5 lakhs. Such amount cannot be considered to

be unreasonable.

In view of the above, no question of law much less any substantial question of law arises in the present appeal warranting interference in the concurrent findings returned by both the Trial Court as also the Appellate Court.

Dismissed.

08.09.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No