

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA No.6444 of 2014 (O&M)

Date of decision : 12.07.2017

Pritam Singh

...Appellant

Versus

Kans Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Balbir Singh Jaswal, Advocate for the appellant.

ANIL KSHETARPAL, J.

The appellant-Pritam Singh has filed this Regular Second Appeal against the judgment passed by the learned District Judge dated 16.09.2014.

The facts in brief are that Kans Kaur is widow and Harpreet Kaur and Gurpreet Kaur are two minor children of Late Sh. Sharanjit Singh who was son of the appellant-defendant. Plaintiff No.1 had filed a suit for herself and two minor children under Order 33 Rule 1 CPC read with Sections 19 and 22 of the Hindu Adoption and Maintenance Act seeking maintenance from her father-in-law. The learned Court on appreciation of the evidence found that Kans Kaur-plaintiff No.1 is not entitled to any maintenance since she concealed material facts from the Court. However, plaintiff Nos.2 and 3 were awarded maintenance from defendant at the rate of ₹1500/- per month from the date of filing of the application.

Both the sides had filed appeals which were disposed of by common order. The learned First Appellate Court has noticed that in fact there is no concealment of facts. The learned trial Court had concluded that there was concealment of the facts namely earlier litigation has not been disclosed. The learned First Appellate Court has found that in fact the suit in question was filed much earlier to the filing of the suit which had been disposed of as compromise, therefore, there is no concealment of facts.

I have heard learned counsel for the appellant.

He has submitted that Kans Kaur is not entitled to maintenance as she has remarried. It has further been contended that since father of Kans Kaur is having some property, therefore, she is not entitled to maintenance. He has further contended that if the father of Kans Kaur-plaintiff No.1 has sufficient means then it is the father who is liable to maintain her and not father-in-law-defendant.

I am afraid that submissions made by learned counsel for the appellant cannot be accepted. A reading of Section 19 of the Hindu Adoption and Maintenance Act shows that father-in-law in absence of husband is obligated to maintain his widowed daughter-in-law. The finding of the Courts below do not show that widow had any independent source of income or property. As per Section 19 of the Hindu Adoption and Maintenance Act, 1956, the obligation to maintain widowed daughter-in-law lies on the father-in-law not the father of the widow.

Another contention of learned counsel for the appellant is that Kans Kaur has remarried. Perusal of the order passed by the Courts below does not support the arguments raised by the learned counsel. Of course, the

appellant had taken a defence to that effect. However, no substantial evidence has been led to prove that Kans Kaur had remarried. Mere oral evidence of one or two person would not prove the allegation of appellant with respect to remarriage by Kans Kaur particularly in absence of any corroborative documentary evidence. Even the date and time of the marriage has not been specified

In these circumstances, finding no merit in the present appeal, the same is hereby dismissed in limine.

12.07.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No