

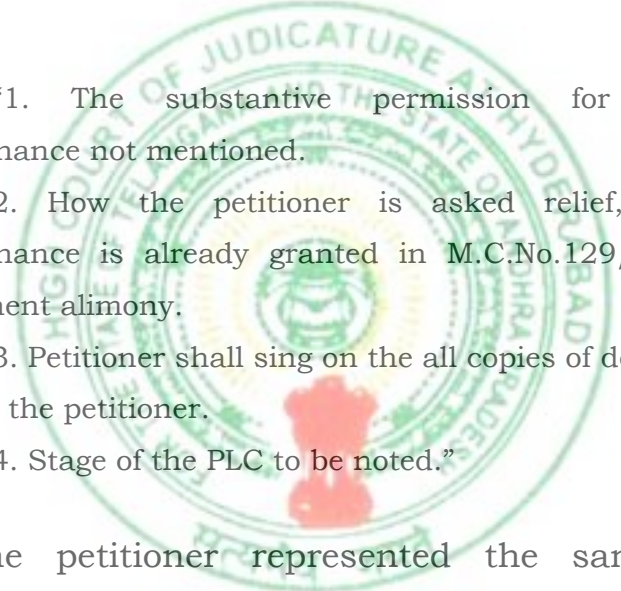
HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.2337 of 2018

Order:

The petitioner, who is an unmarried major daughter, filed a petition in O.P.(GL) No.566 of 2018 on the file of the Principal Family Court, Vijayawada, seeking maintenance as against her father. It appears that the parties are Christians.

2. The O.P. was presented on 08-02-2018 and the learned Judge returned the same noting the following four remarks:

- 
- “1. The substantive permission for seeking maintenance not mentioned.
  2. How the petitioner is asked relief, as the maintenance is already granted in M.C.No.129/2008 as permanent alimony.
  3. Petitioner shall sing on the all copies of documents filed by the petitioner.
  4. Stage of the PLC to be noted.”

3. The petitioner represented the same with the following endorsement:

- “1. Complied herewith.
2. At the time of compromise that is granting permanent alimony in M.C.No.129/2008, the petitioner is minor, the terms and conditions at the time of compromise are very detrimental to the rights of the petitioner. Hence that compromise entered into by the mother of the petitioner not binding upon this petitioner.
3. Complied with.
4. The stage of the PLC was mentioned in the petition itself.”

4. Thereafter, the matter was heard in open Court and the Court has passed the following order:

“1. The parents of the petitioner are not Hindus. Hindu Adoption & Maintenance Act (HAMA) is not applicable to the petitioner. Then it shall be stated how the citation relates upon for the petitioner are relevant in the age of the petitioner.

2. Section 43 of Divorce Act provides for passing of only interim orders with respect of maintenance of minor children in any suit for obtaining dissolve of marriage.

3. How the petition be filed as independency for proceedings u/S.43 of Divorce Act.

4. The parties in 2005(5) ALT 275 are not shown to the Christians. They appear to be Hindus who can resort to file a petition under HAMA.

5. Why the petitioner shall not file a petition u/S.125 Cr.P.C.”

5. Aggrieved by the same, the petitioner has come up with the above revision.

6. Repeated returns on different grounds, is not a healthy trend. It is especially so in a Family Court, since the parties are called upon to appear. It will be frustrating for parties to repeatedly take returns, represent them etc.

7. Be that as it may, the petitioner has nowhere stated that she is a Hindu. On the contrary, she has stated that she is a Christian. Therefore, she cannot be called upon to explain how the Hindu Adoptions and Maintenance Act is applicable to her.

8. Though Section 43 of the Divorce Act provides only for passing of interim orders, it is an objection that can be taken by the respondent in the course of hearing. Law has developed to such an extent that de hors personal law of the

parties, even unmarried major daughters may be entitled to maintenance, provided the parameters are satisfied.

9. Therefore, the revision is disposed of directing the Trial Court to number the O.P. and take it up for hearing. This order shall not stand in the way of the respondent taking any technical objections. The Registry shall return the original petition filed by the petitioner before the Family Court to enable him to represent the same along with a copy of this order. No costs.

13<sup>th</sup> April, 2018.  
Ak

---

V.RAMASUBRAMANIAN, J.



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.2337 of 2018



13<sup>th</sup> April, 2018.  
(Ak)