

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2088 of 2018 (O&M)

Date of decision:28.03.2018

Khiyan Ram

... Petitioner

Vs.

Kapil minor

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sanjiv Gupta, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner being grandfather of respondent/applicant in a petition filed under Sections 18 and 25 of Hindu Adoption and Maintenance Act, 1956 is aggrieved of the impugned order dated 19.02.2018 (Annexure P-2), vide which the application filed by the respondent for interim maintenance, was allowed.

Mr. Sanjiv Gupta, learned counsel for the petitioner submitted that concededly, father of respondent died on 13.11.2000 and mother of respondent remarried and had also taken respondent with her. The aforementioned application was contested by placing on record the birth certificate of respondent to show that he was born on 06.08.2002, therefore, parentage was doubted but the Court below has committed illegality and perversity in not noticing the aforementioned facts and awarded the compensation of Rs.3,000/- per month without giving the visitation and

other rights. The petitioner is not averse in maintaining the child but bondage between grandfather and grandson can always be maintained, in case the trial Court had ordered the visitation rights and thus, urged this Court for setting aside the order under challenge.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that all these points with regard to the parentage and age of the respondent would be adjudicated by the trial Court in the main petition and it is yet to be seen whether the respondent had born on 06.08.2002 as the aforementioned date has not come on record.

With regard to visitation rights, the petitioner shall be at liberty to move an appropriate application before the trial Court and on submission of such application, the Court is always called upon to adjudicate the same in accordance with law.

As far as awarding of compensation is concerned, interim maintenance @ Rs.3,000/- per month is not onerous condition imposed upon the petitioner who is stated to be 65 years old.

With the aforementioned observations, while upholding the order under challenge, revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

March 28, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No