

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

Sr. No.127

CR-7233-2018

Date of decision: 25.10.2018

Amandeep Singh

....Petitioner

versus

Hasanpreet Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Harveen Kaur, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 24.10.2016 passed by the Civil Judge (Junior Division), Samrala (for short- 'the Trial Court'), through which the petitioner has been directed to pay interim maintenance @ ₹1500/- per month to respondent No.1-Hasanpreet Singh, his minor son. Also under challenge is the order dated 30.05.2018 passed by the Additional District Judge, Ludhiana (for short – 'the Appellate Court') through which the petitioner's appeal against the aforesaid order of the Trial Court has been dismissed.

The only issue raised before this Court by learned counsel for the petitioner is that both the Trial Court as also the Appellate Court erred in granting maintenance to respondent No.1 since ₹20,000/-, as full and final maintenance on his behalf had already been accepted by respondent No.1's mother in a matrimonial dispute between the petitioner and respondent No.1's mother.

Receipt of ₹20,000/- as full and final maintenance accepted by the mother of respondent No.1 on his behalf in a matrimonial dispute between the petitioner and the mother of respondent No.1 would not bind respondent No.1 as admittedly, he was not a party to those proceedings and at that time, he being a minor, provisions of Order 32 Rule 7 CPC remain uncomplied with.

Further, in the light of the admission by learned counsel for the petitioner that respondent No.1 is the minor son of the petitioner, no fault can be found in the orders passed by the Trial Court as also the Appellate Court granting a petty amount of ₹1500/- per month by a father to his son, after his parents have parted ways, especially when the petitioner's income has been assessed by the Trial Court @ ₹10,000/- per month.

Dismissed.

(DEEPAK SIBAL)
JUDGE

October 25, 2018
Jyoti 1

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