

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision: 28.05.2018

**1. RSA No.1390 of 2016**

Soma Rani and another

..... Appellants

Versus

Bhagwan Dass (since deceased)  
through LRs Pooran Chand and others

..... Respondents

**2. RSA No.1451 of 2016**

Rani Bai

..... Appellant

Versus

Bhagwan Dass (since deceased)  
through LR Pooran Chand and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Namit Gautam, Advocate  
for the appellants (in both cases).

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**ANIL KSHETARPAL, J. (ORAL)**

**CM-3891-C-2016 in RSA No.1390 of 2016**

Application is allowed and the delay is condoned.

**CM-4018-C-2016 in RSA No.1451 of 2016**

Application is allowed and the delay is condoned.

**Main Cases**

Vide this judgment, I shall be disposing of two appeals bearing RSA No.1390 of 2016 and RSA No.1451 of 2016 as both the appeals are arising out of a common suit.

Plaintiffs-appellants are in the regular second appeal against the

judgment passed by the learned First Appellate Court by which the suit filed by the plaintiffs has been dismissed in entirety.

The plaintiffs-appellants are widow and minor daughter of pre-deceased son of late Sh. Bhagwan Dass. In RSA No.4932 of 2011, this Court has already held that the property in the hands of Bhagwan Dass was self-acquired as he had purchased the property by three registered sale deeds executed in the year 1980 and 1987. This suit was filed under Section 19 and 20 of the Hindu Adoptions and Maintenance Act, 1956 claiming maintenance on the ground that the property in the hands of Bhagwan Dass was a co-parcenary property. This Court has already held that the property is not co-parcenary property.

Learned trial Court awarded maintenance to appellant No.1, minor child under Section 20 of the Hindu Adoptions and Maintenance Act, 1956. Learned First Appellate Court after discussing the evidence available on the file has found that the claim of Soma Rani, appellant No.1 is not covered by Section 20 of the Hindu Adoption and Maintenance Act, 1956.

Learned counsel for the appellants has submitted that the claim of daughter of pre-deceased son would be covered by Section 21 and Section 22 of the said Act. He submitted that under Section 21, the dependents have been defined and under Section 22, maintenance to the defendants can be ordered.

A careful reading of the Section 22 of the Act of 1956 clearly provides that heirs of deceased Hindu are bound to maintain the dependents of the deceased out of the estate inherited by them from the deceased. In the present case, on the death of Bhagwan Dass, father of late Sh. Harbans Lal, the defendants have not inherited any property. It is not in dispute that

Bhagwan Dass has already died. Still further, the issue with regard to maintenance of the widow is covered by the judgment passed by the Hon'ble Supreme Court in the case of *Vimalben Ajitbhai Patel Vs. Vatslabeen Ashokbhai Patel*, 2008(2) RCR (Criminal) 699.

The pending miscellaneous applications, if any shall stands disposed of accordingly.

In view thereof, there is no scope for interference with the judgments passed by the learned First Appellate Court.

Both the appeals are dismissed.

**28.05.2018**

Dinesh Bansal

**(ANIL KSHETARPAL)  
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No