

RSA-5784-2016 (O&M)

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

RSA-5784-2016 (O&M)

Date of decision : 26.11.2018

Hardev Singh

... Appellant

Versus

Jaspal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Amit Arora, Advocate
for the appellant.

AMIT RAWAL, J.

CM-15174-C-2016

For the reasons stated in the application, the application is allowed and the delay of 301 days in filing the appeal is condoned.

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The appellant-defendant No.1, father of plaintiff No.2, has not been able to defend the suit awarding maintenance @ ₹3,000/- per month till the attaining of age of majority.

Learned counsel appearing on behalf of the appellant submitted that the lower Appellate Court being the last Court of fact and law was enjoined upon an obligation to examine each and every document, but the findings are opposite to the one given by the trial Court. Ex.D-2, divorce deed, signed by Hardev Singh established that it was the wife, who had to maintain the minor child.

I am afraid the aforementioned argument is not sustainable as de hors of the fact that plaintiff No.1-wife had remarried, but divorce deed

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(Ex.D-2) was not admissible in evidence as it was not a decree of divorce through the competent Court of law. It is bounden duty of the father to maintain the minor child till he attained the age of majority. A sum of ₹3,000/-, holding a substantial property as per the jamabandi Ex.P-1, cannot be said to be onerous liability.

The present regular second appeal is dismissed.

26.11.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**