

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

**CRM-M-2816-2019 (O&M)
Date of Decision: 6.2.2019**

Gurcharan Vir Singh

.....PETITIONER(s).

VERSUS

Ravneet Kaur

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

Through this petition filed under Section 482 of the Code of Criminal Procedure, the petitioner has challenged order dated 5.11.2018 (Annexure P-11) passed by learned Additional Sessions Judge, Jalandhar whereby the revision filed by the respondent against the order dated 16.1.2017 (Annexure P-9) passed by learned Judicial Magistrate, 1st Class, Jalandhar was allowed.

This is a legal battle between the father and his daughter who has been awarded maintenance @ ₹ 8,000/- per month from the date of filing the petition. Earlier the petitioner also challenged the order of the learned Magistrate vide which the respondent daughter was awarded interim maintenance @ ₹ 3500/- per month. Said order was challenged before the first revisional court and before this Court by filing CRM-M-26072-2013. However, said petition was dismissed vide order dated 11.12.2014.

I have heard learned counsel for the petitioner and gone through the material available on record.

It is not in dispute that Smt.Ravneet Kaur is the daughter of the petitioner. She is major but is unmarried. Now it is well settled that a major and unmarried daughter is entitled to maintenance from her father. This Court in **Satish Kumar v. State of Punjab**; 2005 (1) RCR (Criminal) 256 has made following observations : -

“.....In the instant case, the respondent-daughter is a student and since she is unemployed, therefore, she is unable to maintain herself. It is only the enforcement of the legal right which has been sought by respondent No. 2 under Section 125 of the Code in a summary proceedings. The provision for interim maintenance has been made because the question of survival of a person is involved. In my opinion, the capacity not to earn and not to maintain herself may be for any reason. That itself is physical or mental abnormality or injury of an unmarried daughter, when she is unable to earn and maintain herself either because of illiteracy or because of unemployment. For achieving the substantial justice and the object to the statute, it is necessary to give a liberal interpretation to the words "physical or mental abnormality or injury". In my view, if an unmarried daughter is unable to maintain herself due to her illiteracy or unemployment, then such situation is covered by the physical or mental abnormality. The Hon'ble Apex Court in [Noor Saba Khatoon v. Mohd. Quasim](#), 1997(3) RCR(CrL.) 756 (SC) : AIR 1997 Supreme Court 3280, has categorically held that the effect of a beneficial legislation like Section 125 of the Code cannot be allowed to be defeated except through clear provisions of a statute. Under Section 125 of the Code, the maintenance of

the children is obligatory on the father (irrespective of his religion) and as long as he is in a position to do so and the children have no independent means of their own. It remains his absolute obligation to provide maintenance for them. While interpreting Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1996, the Hon'ble Apex Court held that obligation of the father to maintain a female child is till her marriage.

11. In view of the above, I am of the opinion that a major unmarried daughter, who is unable to maintain herself because of her illiteracy, unemployment or being a student, cannot be denied maintenance by her father on the ground that the reason to maintain herself is not related to the physical or mental abnormality.....”

Smt. Ravneet Kaur has no source of income. Thus, the petitioner was legally and morally duty bound to maintain her. However, it has come into evidence that the petitioner has his own house having value of more than ₹ 2-3 crores. He is also having a car and motor cycle. He also runs a business of brass.

Keeping in view the facts and circumstances of the case and the status of the parties and income of the petitioner, this Court is of the view that the impugned order does not suffer from any infirmity, illegality and irregularity. No case is made out for quashing the same.

Accordingly, the present petition stands dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

February 6, 2019
Paritosh Kumar

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes