

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 3071 of 2018
Date of Decision: 19.03.2019

JAIPAL

....Appellant

VS.

ANJU AND ANOTHER

...Respondents

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manoj Kaushik, Advocate,
 for the appellant.

RAKESH KUMAR JAIN, J.

This appeal has arisen from the judgement and decree dated 16.01.2018 passed by the District Judge, Family Court-1, Faridabad by which a suit filed by the respondents for seeking maintenance under Section 19 of the Hindu Adoptions and Maintenance Act, 1956 (for short 'the Act') against the appellant/father-in-law was allowed.

In brief, respondent No. 1 is the widow of Narender Son of the appellant and respondent No. 2 is the granddaughter of the appellant. Husband of respondent No. 1 had committed suicide. She had filed a suit against her father-in-law for seeking maintenance in terms of Section 19 of the Act, alleging therein that he is recorded as owner in possession to the extent of 1/21 share in the following properties:-

- i) Agricultural land bearing Khewat/khata No. 122/133, Rect. No. 64 Killa No. 22/2(0-6), 23/2(1-19), Rect. No. 66, Killa No. 10/2(1-15), 11(0-15), Rect. No. 67, Killa No. 2(8-0), 3/1(2-8), 3/2(4-5), 4(8-0), 5(8-0), 6(8-0), 7(7-17), 8/1(0-18), 12(8-0), 13(8-0), 14/1(1-8), 15(7-12), 16(5-3), 17/1(1-15), 25/2(1-6), Khewat No. 47/48, Rect/ Mp/ 25, Killa No. 2/10 (0-3), 67//7(7-

- 17), 67//7/24(0-3) total measuring 103 Kanals 15 Marlas. Out of the said land, land measuring 01 Kanal 01 marla has been sold. Defendant is owner in possession of land measuring 102 kanals 8 marlas situated at Village Saran Tehsil and District Faridabad.
- ii) Agricultural land bearing khewat No. 968, Khatoni No. 1566, Rect. No. 24, killa No. 11(8-0), 12(7-13), 13/2(4-0), 19(8-0), 20(7-13) situated at Village Gaunchi, Tehsil Ballabgarh, District Faridabad.
- iii) Out of the sale proceeds of ancestral land of village Saran, the defendant has purchased the land of village Ladpur bearing Khewat No. 113/114, Khatoni No. 151, Rect. No. 27, Killa No. 6(7-7), 7(8-0), 8/1(4-0), 8/2(4-0) measuring 23 Kanals 7 Marlas and Khatoni No. 152, Rect. No. 27, Killa No. 5/2(1-0), 9/1(4-13), 12/3(4-7), 13(8-0), 14(8-0). 15/1(2-0) measuring 28 kanals total area measuring 51 kanals.
- iv) Out of the sale proceeds of ancestral land of village Saran, the defendant has purchased the land of Village Chhainsa bearing Khewat No. 42/43, Khatoni No. 46, Killa No. 17(8-0), 18(1-13), 22/1/2/2(0-15) 23(7-14), 24/1(0-5) measuring 22 Kanals 7 marlas, khewat No. 87/83, Khatoni No. 96, Rect. No. 13/2(1-9), 14/2(0-19), 15/2(6-15) measuring 15 Kanals 3 Marlas, Khewat No. 118/119, khatoni No. 129, Rect. No. 60, Killa No. 16(8-0), 25(6-8), Rect. No. 10, Killa No. 20(1-9), measuring 17 kanals 17 marlas, Khewat No. 152, Khatoni No. 171, Rect. No. 9, Killa No. 24/2(2-15) situated within the revenue estate of village Jafarpur Majra Chhainsa, Tehsil and District Faridabad.

URBAN ANCESTRAL PROPERTIES.

- i) One shop in Machhli Market, Sector 22, Housing Board Colony, Faridabad.
- ii) House No. 428, Section 23, Sanjay Colony, Faridabad.
- iii) House No. 645, Sector 22, Sanjay Colony, Faridabad.
- iv) 8 Shops and six rooms constructed in 200 Sq. yards area in Gokul Vatika, Faridabad.

- v) House constructed on 800 Sq. yards of land situated in Village Saran, Tehsil and District Faridabad owned and possessed by Jaipal Singh, Sher Singh, Bhagat Singh and Shiv Singh Brothers of Jaipal.

She had also alleged that the appellant, being the *Karta* of the joint family, is getting ₹1,50,000/- per month from the ancestral properties. It was also alleged that the appellant is liable to maintain both the respondents out of the aforesaid income and an amount of ₹30,000/- per month was claimed for respondent No. 1 for house hold expenses and ₹10,000/- was claimed for respondent No. 2 for her education etc. The suit was contested by the appellant alleging that respondent No. 1 was the cause of death of his son who had committed suicide. He had further alleged that she is well educated and taking coaching/tuition classes, earning at least ₹30,000/- per month which is sufficient for her maintenance. He has further alleged that he is not the sole owner of the properties mentioned by the respondents and had only a share in it and denied his earning to the extent of ₹1,50,000/- per month as rental income as alleged. On the respective pleadings, as many as four issues were framed by the learned trial Court. Both the parties lead their oral as well as documentary evidence.

Learned counsel for the appellant had argued before the learned trial Court that an FIR was registered against respondent No. 1 as abettor of the alleged suicide of her husband but she has been acquitted in the said case vide order dated 01.08.2017 passed by the learned Additional Sessions Judge, Faridabad.

Learned trial Court, after taking into consideration various factors, awarded ₹3,000/- per month to respondent No. 1 and ₹2,000/- to respondent No. 2 against which the present appeal has been filed.

We have learned counsel for the appellant who has although made earnest efforts to convince this Court to take a different view from the view taken by the learned trial Court for the purpose of interference in the impugned order on the ground that respondent No. 2 is not entitled but he was candid enough to admit that respondent No. 2 in any way would fall within the definition of the dependent and thus, has rightly been awarded ₹2,000/- which is hardly an amount for the purpose of maintenance specially when the appellant has a share in the huge chunk of land and has got commercial properties as well.

In view of the above, we do not find any merit in the present appeal and the same is hereby dismissed, though without any order as to costs.

[RAKESH KUMAR JAIN]
JUDGE

March 19, 2019
Ess Kay

[HARNARESH SINGH GILL]
JUDGE

Whether speaking / reasoned :	Yes	/	No
Whether Reportable :	Yes	/	No