

(Through Video Conferencing)

FAO-23-2021 (O&M)

Date of Decision: 15.01.2021

Dharampal

.....Appellant

Versus

Usha Devi and another

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR
HON'BLE MS. MEENAKSHI I. MEHTA**

Present: Mr. Ravi Dutt Sharma, Advocate, for the appellant.

NIRMALJIT KAUR, J. (ORAL)

The present appeal is directed against the order dated 15.12.2020 passed by learned Principal Judge, Family Court, Kaithal (for short, Appellate Court), whereby learned lower Court had restrained the appellant from alienating land measuring 82 Kanal 12 Marla situated at village Sirta mentioned in para No.5 of the petition under Section 19 of Hindu Adoption and Maintenance Act, 1956 and further directed to pay Rs.3000/- per month to respondent No.1 and Rs.2000/- per month to respondent No.2 as interim maintenance from the date of filing of the application till disposal of the main petition.

While praying for setting aside the said order, the only argument raised by learned counsel for the appellant that he is the Karta of the family and therefore, he has a right to sell the land and secondly, he has to mortgage the property to meet the expenses of the family.

Heard.

The very argument raised by learned counsel for the appellant is contrary to his stand before the learned Appellate Court that it is a self acquired property. If it is so, then he cannot claim it to be an HUF property and therefore, hold on the property as Karta. In any case, it is a settled principle of law that an HUF property or Karta can dispose of the family property only for the benefit of the family. In the present case, no such evidence that the appellant wants to sell the property for the benefit of his family is made out or placed on record. Learned counsel for the appellant has also not been able to point out any infirmity in the very well reasoned order dated 15.12.2020 passed by the Appellate Court.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

15.1.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No