

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A No. 1851 of 1991(O&M)

Date of Decision:18.11.2022

Ranbir and others

.....Appellants

Versus

Ganga Devi and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: None for the appellants.

LISA GILL, J(Oral).

This appeal has been preferred by the defendant-appellants challenging judgment and decree dated 21.10.1988 passed by the learned Sub Judge Ist Class, Sonipat as well as judgment and decree dated 24.07.1991 passed by the learned Additional District Judge, Sonipat.

Respondent-plaintiff Ganga Devi had filed the suit for grant of maintenance under the provisions of Hindu Law. She claimed to be the wife of late Hardwari, who died on 29.11.1942. After his death, plaintiff claimed to have solemnized Karewa Marriage with Suraj Mal, the real brother of Hardwari in the year 1946. Suraj Mal also died in the year 1961 leaving behind the plaintiff and the defendants i.e., other wife namely Chhotto and four sons namely Ranbir, Dalbir, Om Parkash, Jai Singh and Daya Nand. It is claimed that defendants Ranbir and Dalbir were born from Chhotto and Suraj Mal, defendants Om Parkash and Jai Singh were born from Dhano and defendant no.6 was the son of the plaintiff and Suraj Mal. Suraj Mal was claimed to be the owner in possession of agricultural land measuring 136 Kanal 5 Marlas and after his death in the year 1961, defendants became owners in possession of the property in equal shares by way of registered Will executed by Suraj Mal. Plaintiff claimed that she was not being

maintained by the defendants and had no property whatsoever to make both her ends meet. She claimed maintenance from all the defendants in equal share for her life at the rate of Rs. 360/- per month.

Learned trial Court, on considering the facts and circumstances of the case concluded that the plaintiff was entitled to maintenance having married Suraj Mal in the year 1946 prior to coming into force of the Hindu Marriage Act in the year 1955. Plaintiff was held entitled to maintenance at the rate of Rs. 30/- per month from each of the defendants.

Appeal filed by the defendants was dismissed by the learned Additional District Judge, Sonipat vide impugned judgment and dated 24.07.1991.

Aggrieved therefrom, present appeal was filed.

Notice was issued in this appeal on 12.11.1991. Auction proceedings were directed to remain stayed provided the appellant/JD deposited a sum of Rs. 5000/- within two months and that in future, they would go on depositing/ paying their respective share of the decretal amount to the respondent-plaintiff.

None has been appearing on behalf of the appellants since May 2017. It appears that the appellants are not interested in pursuing the matter any longer.

Appeal is accordingly dismissed in default and for non prosecution.

Copy of this order be conveyed to the appellants at the given address.

18.11.2022

s.khan

**[LISA GILL]
Judge**

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.