

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7238 of 2019

Date of Decision: 21.12.2022

Ganga Devi

... Petitioner(s)

Versus

Meena Kumari and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Charanpreet Singh, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petition filed by the widowed daughter-in-law and grandchild of the petitioner under Section 19, 21, 22 and 23 of the Adoption and Maintenance Act, 1956 (hereinafter referred to as “the 1956 Act”) is pending before the trial Court. The application under Order VII Rule 11 (d) of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”) filed by the petitioner for rejecting the petition at the threshold has been dismissed. The correctness of the aforesaid order has been challenged in this revision petition.

2. The learned counsel representing the petitioner contends that a petition under Section 19 of the 1956 Act can only be maintained against the father-in-law and not against the mother-in-law.

3. This Court has considered the submissions. The petitioner prays for rejection of the petition without permitting the parties to contest the case and lead evidence. Such drastic power should only be exercised if the Court

is of the considered view that the petitioner has fulfilled the parameters laid down in Order VII Rule 11 CPC for rejection of plaint. Even otherwise, under common law, if the grant mother has the wherewithal, she has the moral responsibility to maintain her widowed daughter-in-law and grandchild.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order, at this stage. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

December 21, 2022

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No