

In the High Court of Punjab and Haryana at Chandigarh

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2023 : PHHC : 073862

CRR(F)- 784 of 2023

Date of Decision: 22.05.2023

Mansi Sharma and another

---Petitioners

versus

Gaurav Arvind Solanki

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Alok Mittal, Advocate
for the petitioners

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through the instant petition under Section 401 Cr.P.C. are seeking setting aside of judgment dated 21.02.2023 passed by Additional Principal Judge, Family Court, Faridabad, to the extent that Family Court has granted maintenance to petitioner No. 2 till the date of attaining majority i.e. 18 years.

2. Learned counsel for the petitioners submits that petitioner No. 2 at present is 08 years old and Family Court has granted maintenance till the attaining age of 18 years. The impugned order needs to be modified as maintenance cannot be restricted to age of 18 years.

3. A three judge bench of the Hon'ble Supreme Court in **Abhilasha vs. Parkash and others 2020 SCC OnLine SC 736** after considering Section 125 Cr.P.C. and Section 20 of The

Hindu Adoptions and Maintenance Act, 1956 has held that a daughter cannot claim maintenance under Section 125 Cr.P.C. after attaining the age of majority i.e. 18 years.

4. On being confronted with the aforesaid fact, learned counsel for the petitioners submits that petitioner No. 2 may be granted liberty to move an appropriate application under Section 20 of the Hindu Adoptions and Maintenance Act after attaining age of 18 years.

5. Disposed of with the liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

22.05.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No