

In the High Court of Punjab and Haryana at Chandigarh

107

2023 : PHHC : 077064

CRR(F)-988 of 2022

Date of Decision: 26.05.2023

Ashwani Kumar @ Ashan Kumar

---Petitioner

versus

Karamjit Kaur and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rahul Garg, Advocate
for the petitioner

Mr. Jaskamal Singh Grewal, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through the instant petition is seeking setting aside of order dated 05.09.2022 whereby Family Court, Mansa has allowed maintenance of Rs. 14,000/- per month i.e. Rs. 8000/- per month to respondent No. 1 (wife) and Rs. 6,000/- per month to respondent No. 2 (daughter).

2. Learned counsel for the petitioner inter alia submits that Family Court has awarded maintenance of Rs. 6000/- per month to daughter of the petitioner who is major. Maintenance under Section 125 Cr.P.C. cannot be awarded to major daughter though it can be awarded under Section 20 of the Hindu Adoption and Maintenance Act. In support of his contention, he relied upon judgment of Hon'ble Supreme Court in **Abhilasha vs. Parkash and others 2020 SCC Online SC 736**.

2023 : PHHC : 077064

CRR(F)-988 of 2022

-2-

3. The petitioner was directed to clear arrears qua wife by 22.05.2023. Learned counsel for the petitioner submits that a sum of Rs. 2,02,000/- was paid during the pendency of petition before Family Court. Today, in Court a draft of Rs. 4,00,000/- is handed over to learned counsel for the respondent. Learned counsel for the petitioner states that petitioner would clear arrears, if any, within one month.

4. Learned counsel for the respondents expressed his inability to controvert applicability of judgment of the Hon'ble Supreme Court in **Abhilasha (supra)** to the present case qua major daughter.

5. In view of the above stated facts, circumstances and statement of both sides as well as judgment of the Hon'ble Supreme Court in **Abhilasha (supra)**, the present petition is partially allowed. Order qua maintenance to major daughter (respondent No. 2) is hereby set aside.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

26.05.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No