

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4618-2022 (O&M)
Date of Decision: 28.03.2023

GURMUKH SINGH

..... Appellant(s)

Vs.

MANJEET KAUR AND ANOTHER

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Shalender Mohan, Advocate
for the appellant.

LISA GILL, J.

CM-5556-CII-2023

Additional affidavit of the appellant is taken on record, subject to just exceptions.

Application is disposed of.

FAO-4618-2022

This appeal has been filed by the appellant-father challenging judgment dated 12.07.2022, passed by learned Principal Judge, Family Court, Camp Court at Gohana, Sonipat, whereby petition under the Hindu Adoption and Maintenance Act, 1956 (hereinafter referred to as the Act), filed by the respondents, who are daughters of the present appellant, seeking marriage expenses, has been allowed and sum of ₹5,00,000/- to each of the daughters as marriage expenses has been directed to be paid by the appellant.

Brief facts necessary for adjudication of the matter are that petition as above seeking expenses of marriage was filed by the daughters of the appellant. Appellant was married to their mother Smt. Surender Kaur (since deceased) on 20.10.1991. It is stated that wife of the appellant was treated with cruelty and the daughters neglected by the appellant. In the petition under Section 125 Cr.P.C., filed by the daughters, sum of ₹ 1,000/- each was granted as maintenance with the sum being enhanced to ₹ 4,000/- per month to each of the petitioners, vide order dated 28.05.2017. It is pleaded that daughters were of marriageable age, their mother had since expired and they had no source of income or any movable or immovable property while the respondent was stated to be an agriculturist having approximately 19 acres of agricultural land and earning ₹50,000/- per month as well as income from the dairy farm to the tune of ₹25,000/- per month.

Initially, present appellant (respondent before the trial Court) appeared before the learned Family Court and resisted the petition with preliminary objections that applicable provision of law was not mentioned in the petition neither proper Court fee was affixed and that the petition was liable to be rejected under Order 7 Rule 11 C.P.C. Averments on merits were also denied. Income of the respondent to the tune of ₹75,000/- per month was denied as was any liability to pay the amount. It is noted by learned Family Court that when the matter was listed for evidence of the appellant as well as presence of parties, respondent failed to appear and was proceeded *ex parte* on 07.12.2021. Impugned order was passed on 12.07.2022.

Learned Family Court while taking in account the revenue record placed on record by the daughters concluded that appellant was a man of means while noting that relationship between the parties was not denied, held the daughters (present respondents), entitled to marriage expenses in terms of Section 3(b) of the Act. Section 3(b) of the Act reads as under:-

“(b) “Maintenance” includes-

- (i) in all cases, provision for food, clothing, residence, education and medical attendance and treatment;**
- (ii) in the case of unmarried daughter, also the reasonable expenses of an incident to her marriage.”**

Accordingly, sum of ₹5,00,000/- was granted as marriage expenses to each of the daughters. Aggrieved therefrom this appeal has been filed.

Learned counsel for the appellant vehemently argues that no ground whatsoever is made out from the evidence on record to grant marriage expenses as noted above. It is submitted that appellant does not have any land and neither is he a government employee or having a regular source of income. Moreover, respondents alongwith their mother decided to stay separately at Gohana and never joined his company despite best efforts on his part. It is further stated that property of respondents' maternal-grandfather, uncle etc. would come to their share as they are residing at the maternal home. It is admitted that mother of the respondents had expired. However, both the respondents, it is stated, now stand married. Therefore, there was no question of awarding expenses for marriage at this stage.

Heard learned counsel for the appellant and have gone through the file with his able assistance.

It is to be noted that appellant was directed by Co-ordinate Bench on 11.11.2022 to place on record documents to show that he does not have any land/property in his name and as to whether he ever transferred his share in favour of his family members.

Affidavit dated 21.03.2023 has been filed alongwith CM-5556-CII-2023, wherein it is stated that appellant transferred land measuring 5 Kanal 15 Marla land, situated at village Lohari Ragho, Tehsil Narnaund, District Hisar, vide release deed no.93 dated 10.01.2001 as well as land measuring 30 Kanal 17 Marla land, situated at village Lohari Ragho, Tehsil Narnaund, District Hisar vide sale deed no.1298 dated 11.09.2006 to his brother namely Arjun son of Sardul Singh.

It is to be noted at this stage that there is no explanation, much less reasonable explanation on record as to why the appellant first and foremost chose to not associate with the proceedings before the learned Family Court and accepted order dated 07.12.2021, whereby he was proceeded *exparte*. Impugned order was passed much later on 12.07.2022 but no action was admittedly taken by the appellant to ever seek revocation/recall of order dated 07.12.2021. Furthermore, it is apparent that the appellant has transferred his land to his brother, after filing of petition under Section 125 Cr.P.C., which it is informed, was filed in the year 2000. Said petition under Section 125 Cr.P.C., it is informed, was finally decided in 2004 when appellant was directed to pay ₹1,000/- per month each to the wife and both daughters.

Argument that the daughters now stand married, does not afford any ground whatsoever to the appellant to be absolved of his duty. Learned counsel for the appellant is unable to point out anything on record to indicate that the respondents were married at the time of filing of the petition on

06.07.2017. Perusal of the reply filed by the appellant does not reveal any such ground to have been taken. Appellant in his reply has in fact accepted the respondents to be his daughters and of marriageable age. Plea taken by him is that in case daughters had decided to stay with him only then he would be liable to bear the marriage expenses.

In the given facts and circumstances, learned counsel for the appellant is unable to point out any illegality, infirmity or irregularity in the impugned order dated 12.07.2022, passed by learned Principal Judge, Family Court, Camp Court at Gohana, Sonipat, which calls for any interference by this Court.

No other argument has been addressed.

Appeal is accordingly dismissed.

Pending miscellaneous applications, if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

28.03.2023

Sunil

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