



3. Learned counsel for the petitioner *inter alia* contends that petitioner has no source of income and she intends to take further education in the foreign country and requires finances for the documentation, admission and procedural requirements of the same. Learned counsel further submits that respondent is serving as ASI in Punjab Police and drawing a salary of Rs.45,000/- to Rs.50,000/- per month and he has capacity to provide necessary finances for her education.

4. *Per contra*, learned counsel for the respondent submits that the petitioner is a professional dress designer and earning Rs.20,000/- to Rs.25,000/- per month. As such, she is a well-qualified lady and is capable of sustaining herself. Lastly, since the petitioner has now turned major, she would be precluded from seeking maintenance in view of Section 125 (1)(c) of Cr.P.C.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner. However, before proceeding with the instant petition, it would be prudent to reproduce the provisions, relevant for this case, as laid down under Section 125 Cr.P.C.:

“Section 125: Order for maintenance of wives, children and parents.

(1) If any person having sufficient means neglects or refuses to maintain-

xxx

xxx

xxx

(b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or

xxx

xxx

xxx”



6. With regard to grant of maintenance to children, who have turned major, the law is now well settled. A three Judge bench of the Hon'ble Supreme Court in *Abhilasha vs. Prakash 2020 AIR SC 4355* has held that a major unmarried daughter, who does not suffer from any physical or mental disability, shall not be entitled to maintenance from her father under Section 125 Cr.P.C. However, she will continue to have the remedy available under Section 20(3) of the Hindu Adoption and Maintenance Act, 1956. Speaking through Justice Ashok Bhushan, the following was observed:

“12. The Act, 1956 was enacted to amend and codify the law relating to adoptions and maintenance among Hindus. A bare perusal of Section 125(1) Cr.P.C., 1973 as well as Section 20 of Act, 1956 indicates that whereas Section 125Cr.P.C., 1973 limits the claim of maintenance of a child until he or she attains majority. By virtue of Section 125(1)(c), an unmarried daughter even though she has attained majority is entitled for maintenance, where such unmarried daughter is by reason of any physical or mental abnormality or injury is unable to maintain itself. The Scheme under Section 125(1) Cr.P.C., 1973 thus, contemplate that claim of maintenance by a daughter, who has attained majority is admissible only when by reason of any physical or mental abnormality or injury, she is unable to maintain herself. In the present case, the Revisional Court has returned a finding that appellant is not suffering from any physical or mental abnormality or injury due to which she is unable to maintain herself. The above findings are not even questioned before us. What is contended that even if she is not suffering from any physical or mental abnormality or injury, by virtue of Section 20 of Act, 1956, she is entitled to claim maintenance till she is unmarried.”

7. A perusal of the impugned judgment passed by the learned Family Court makes it evident that the respondent herein was 22 years old at the time of the institution of the petition under Section 125 of Cr.P.C. Moreover, there is nothing on record to suggest that she is suffering from any physical or mental abnormality or injury. As such, the learned Family Court has rightly



considered the material placed on record and the fact that the petitioner being a major child cannot claim maintenance.

8. Accordingly, the present revision petition stands dismissed being bereft of any merit and judgment dated 16.01.2024 passed by learned Family Court, SBS Nagar stands upheld. However, liberty is granted to the petitioner to avail remedy available under Section 20(3) of the Hindu Adoption and Maintenance Act, 1956.

November 18, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |