2025:PHHC:108566-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1196-2019 (O&M)

Date of Decision: 18.08.2025

Silak Ram …Appellant

Versus

Anju & another ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Anil Ghanghas, Advocate,
for the appellant.

Respondents proceeded against ex parte
vide order dated 23.03.2023.

GURVINDER SINGH GILL, J.

1. Appellant – Silak Ram assails judgment and decree dated 04.02.2017 vide which a petition under Sections 19, 20, 21 & 22 of the Hindu Adoptions and Maintenance Act filed by the respondents i.e. his widowed daughter-in-law and his minor grand-son, has been accepted and a monthly maintenance at the rate of Rs.2500/- has been ordered to be paid to respondent No.1 – Anju (widowed daughter-in-law) and at the rate of Rs.2000/- to respondent No.2 – Arun (minor grand-son).

2. A few facts necessary to notice are that respondent No.1 – Anju, widow of Vijaypal and her minor son Arun (respondent No.2) filed a petition under Sections 19, 20, 21 & 22 of the Hindu Adoptions and Maintenance Act seeking maintenance from the appellant/respondent (father-in-law of

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respondent No.1), wherein it has been pleaded by Anju that her husband Vijaypal had expired and that since her father-in-law, who was an agriculturist and also into dairy farming, was owning moveable and immoveable property and having a monthly income to the tune of Rs.15,000/-, he (father-in-law) is bound to pay maintenance.

3. In reply, the respondent/appellant herein pleaded that he was a labourer and did not own any property, whereas his widowed daughter-in-law was an able bodied lady and knew stitching and could earn her living and as such, he was not bound to maintain her.

4. The rival pleadings gave rise to the following issues as framed on 06.10.2016:

> "1) Whether the petitioners are entitled for maintenance amount on the grounds mentioned in the petition? OPP
> 2) Whether the petition of the petitioners is not maintainable? OPR
> 3) Relief."

5. Both the parties led oral as well as documentary evidence in support of their case. Learned Family Court while referring to the provisions of Hindu Adoptions and Maintenance Act pertaining to the rights of a widowed daughter-in-law and while observing that her father-in-law (appellant) was owning 134 kanals of land from which he was earning Rs.2,50,000/- per annum, awarded maintenance to respondent No.1 (daughter-in-law) at the rate of Rs.2500/- per month and to respondent No.2 (minor grand-son) at the rate of Rs.2000/- per month vide judgment and decree dated 04.02.2017. The appellant being aggrieved by the same filed the instant appeal.

6. During the course of pendency of this appeal, the appellant placed on record a birth certificate in respect of a child namely Atul (Annexure A-2) born to

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respondent No.1 on 05.04.2018. While taking the said birth certificate on record, this Court vide order dated 20.04.2022 observed that respondent No.1 had re-married and the said child Atul was from the second marriage. Since the birth certificate and the factum of re-marriage of respondent No.1 was not disputed, this Court vide aforesaid order dated 20.04.2022 observed that respondent No.1would not be entitled to any maintenance from her ex father-in-law on account of her re-marriage with Surender.

7. In view of the aforestated position i.e. on account of re-marriage, respondent No.1 is certainly not entitled to claim any maintenance from her ex father-in-law any longer, the present appeal survives qua the maintenance as awarded to grand-son of the appellant, which is at the rate of Rs.2000/- per month.

8. Learned counsel for the appellant submitted that the appellant was not under any obligation to pay maintenance to respondent No.2 on account of re-marriage of respondent No.1. It has further been submitted that in any case the quantum of maintenance, as assessed, is on higher side.

9. We have considered the aforesaid submissions.

10. Nothing has been shown to this Court so as to hold that respondent No.2 i.e. the grand-son of the appellant, is not entitled to any maintenance who, in any case, is a “dependent” of appellant in terms of Section 21(iv) of the Act. Rather, upon re-marriage of respondent No.1 and there being no evidence that respondent No.2 had been adopted by the second husband of respondent No.1, the grand-son (respondent No.2) would have to depend upon his grand-father i.e. the appellant. In any case, the quantum of maintenance as awarded by the

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Family Court is also on the meager side and would not justify interference.

The appeal, as such, is sans merit and is hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

18.08.2025 **(DEEPINDER SINGH NALWA)**
Vimal **JUDGE**

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

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