

2025:PHHC:045856-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-1835-2025 (O&M)

Date of decision: 24.03.2025

CHAJJU SINGH

.....Appellant

Versus

JASPREET KAUR & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Yagsimant Attri, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 07.02.2025 passed by learned Principal Judge, Family Court, Mansa Camp Court, Budhlada (for short the 'Family Court'), whereby, the petition under Section 19(1) and Section 22 of Hindu Adoption & Maintenance Act, 1956 (for short 'the Act') filed by the respondents, was allowed and they were held entitled to receive Rs.5,000/- per month (for respondent No.1) and Rs.2,500/- per month each (for respondents No.2 and 3).

2. The aforesaid petition had been filed by the respondents, claiming maintenance of Rs.30,000/- per month from the appellant, *inter alia*, pleading therein that respondent No.1 was the daughter-in-law of the appellant, whereas respondents No.2 and 3, were his

grandchildren. It was further asserted that the husband of respondent No.1-Jaspreet Kaur passed away on 02.04.2018, leaving behind the respondents as his legal heirs. It was further alleged that the appellant had turned respondent No.1 out of her matrimonial home after giving her beatings, but she was rehabilitated after the intervention of the Panchayat. The appellant had agreed to maintain the respondents, but with a view to defeating the rights of the respondents as regards the maintenance, the appellant had sold some part of his land. It was further alleged that the property as mentioned in the head note of the petition, was ancestral in nature and the respondents had a birth right in the same. Still further, it was the case of the respondents that respondent No.2 was studying in 10th Class, whereas respondent No.3 was a student of 6th Class and their monthly expenditure was Rs.6,000/-. They did not have any source of income or any immovable property to maintain themselves, whereas the appellant was owner in possession of 1/6th share in the land measuring 134 Kanals 10 Marla, which came to be 119 Kanal 8 Marlas. Besides that, he was also having income of Rs.60,000/- per month by running a dairy business.

3. Upon notice, the appellant entered appearance and filed his written statement. The relationship between the parties was admitted. However, it was the case of the appellant that respondent No.1 was a quarrelsome lady and she used to leave his late son-Kulwinder Singh without telling anyone, at the instigation of her parents and she had only been rehabilitated with the intervention of the respectables. The allegations regarding beatings to respondent No.1 were denied. It was further averred that respondent No.1 was

doing the work of stitching and she could easily maintain herself as well as her children. The nature of the property owned by the appellant being ancestral, was denied and rather, it was averred that the same was the self acquired property of the appellant.

4. On the pleadings of the parties, the learned Family Court framed the following issues:-

- “1. Whether the petitioner are entitled to recover Rs.30,000/- per month on account of maintenance from respondent? OPA
2. Whether the petitioners have no cause of action to file the present petition? OPR
3. Whether the petition of the petitioners is not maintainable in the present form ?OPR
4. Whether the petitioners have concealed material facts from the Court?OPR
5. Relief.”

5. In evidence, the respondent No.1 appeared as PW-1 and had also examined PW2-Parveen Kaur (her sister), besides tendering documents Ex.P1 to Ex.P11. On the other hand, the appellant did not lead any evidence.

6. The learned Family Court after taking into consideration the rival contentions and evidence on record, allowed the petition filed by the respondents, as noticed above.

7. Learned counsel for the appellant has vehemently contended that while passing the impugned order, the learned Family Court has assessed the income of the appellant only on the basis of a

guess work. It is further argued that the appellant is holding only 3 acres of land and the same is not fertile. It is further argued that respondent No.1 is residing with some other person and in this regard, the appellant had produced on record documents Mark-R1 to R4. It is also argued that the appellant is an old and aged person of 72 years of age and suffering from various health issues and he is also to maintain two more daughters and a son and, therefore, it is very difficult for him to maintain the respondents as well.

8. We have heard the learned counsel for the appellant and have also gone through the impugned order passed by the learned Family Court.

9. The only question that arises for consideration by this Court is whether the impugned order passed by learned Family Court, requires any interference.

10. It has been found by the learned Family Court that the relationship between the parties is not denied. It was further found that respondent no.1 (widow of late Kulwinder Singh-son of the appellant), had no source of income and apart from maintaining herself, she had also to maintain her two minor school going children. It was still further found that the factum of the ownership of the land was admitted by the appellant, but the only plea taken by him was that the land was of an inferior quality. Still further, the learned Family Court found that on the basis of photographs Mark-R1 and R2, no definite finding could be returned regarding respondent No.1 having any relationship with the person in the said photograph. The learned

Family Court while discarding the stand of the appellant as regards his income being Rs.10,000/- per month, has assessed his monthly income as Rs.30,000/- on the basis of his land holding and accordingly directed as under:-

“19. In view of findings returned on issue number 1, the petition of the petitioners stands allowed accordingly, The petitioners are held entitled to receive maintenance from the respondent as per following details:

- 1) The petitioner number 1 is entitled to receive maintenance @ Rs.5,000/- per month from the respondent.
- 2) The petitioner number 2 and 3 are entitled to receive maintenance @ Rs.2500/- per month each from the respondent.
- 3) The petitioner number 2 is entitled to receive maintenance till she get the employment or till her marriage.
- 4) The plaintiff number 3 is entitled to receive maintenance till he attains the age of the majority.
- 5) The petitioners are entitled to receive the maintenance from the date of filing of present application/plaint.

- 6) The payment of maintenance being already received in any other proceedings between the parties shall be liable for adjustment/set off.

First charge in respect of the amount of maintenance including arrears is created upon the land of respondent as under:

1/6 share in land measuring 134 Kanal 10 malra, Khewat/Khatouni number 710/1586 as per jamabandi for the year 2017-18 and 1/6 share in land measuring 119 kanal 8 marla, Khewat/Khatouni number 711/1587, 1588 as per jamabandi for the year 2017-19 situated in the area of village Kishangarh Seda Singh Wala, Tehsil Budhlada.

11. Before this Court, the learned counsel for the appellant has reiterated the plea that the land held by the appellant is not fertile and he is not able to generate a handsome income from the said land. However, we do not find any substance in the said argument. The claim of the respondents in the petition filed before the learned Family Court was that the respondent was owner of the land, measuring 119 kanal 8 marla, but on the other hand, the claim of the appellant was that he was owner of only 3 acres of land. The learned Family Court, on the basis of jamabandi on record, has assessed the monthly income of the appellant as Rs.30,000/-. No document or evidence has been

referred to by the learned counsel for the appellant as to how the said income has been wrongly assessed by the learned Family Court. The argument of the learned counsel for the appellant that the land held by him is not fertile, seems to be bereft of any merit.

12. In view of the above, we do not find any illegality or perversity in the order passed by the learned Family Court. It could not be pointed out that any evidence has been misread or not taken into consideration.

13. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

24.03.2025
himanshu

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