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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-281-2021 (O&M)
Date of decision: 10.02.2025

KEWAL SINGH BRAR

...Petitioner(s)

VERSUS

KIRANJIT KAUR AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

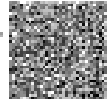
Present:- Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Divij Datt, Advocate
for the petitioner.

Mr. P. S. Sekhon, Advocate
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed for setting aside the impugned order dated 12.08.2021 passed by the learned Principal Judge, Family Court, Bathinda, vide which interim maintenance has been granted to respondent No.2-major daughter to the tune of Rs.15,000/- per month.

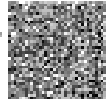
2. Learned Senior Counsel appearing on behalf of the petitioner submitted that it is a case where by way of the aforesaid impugned order, the learned Principal Judge, Family Court, Bathinda has granted interim maintenance to respondent No.2, who is the major unmarried daughter of the petitioner and was about 19 years of age when the aforesaid order was passed, which is an undisputed fact and the aforesaid interim maintenance could not



have been granted to her keeping in view the provisions of Section 125 Cr.P.C., wherein even maintenance cannot be granted to a major unmarried daughter. He referred to Section 125(1)(c) Cr.P.C. in this regard. He further submitted that rather it has been so noted by the learned Principal Judge, Family Court, Bathinda in the impugned order that the age of respondent No.2 was about 19 years and she was major but still the learned Principal Judge, Family Court, Bathinda has granted interim maintenance to her to the tune of Rs.15,000/- per month, which could not have been granted in view of the aforesaid specific provision contained under Section 125 Cr.P.C.

3. Learned Senior Counsel appearing on behalf of the petitioner referred to the judgment passed by Hon'ble Supreme Court in **Abhilasha versus Parkash and others, 2020 SCC OnLine SC 736** to contend that the aforesaid provision of Section 125 Cr.P.C. has since been interpreted by Hon'ble Supreme Court and it has been held that a major unmarried daughter would not be entitled for maintenance. He further submitted that once a major unmarried daughter is not entitled for maintenance, she is also not entitled for interim maintenance and therefore, the aforesaid impugned order may be set aside. He also submitted that even otherwise also, respondent No.2-major daughter has filed a separate suit under the Hindu Adoptions and Maintenance Act, 1956, in which she has been granted maintenance of Rs.10,000/- per month and that is also one of the reasons as to why she is not entitled for maintenance under Section 125 Cr.P.C.

4. On the other hand, learned counsel for the respondents submitted that so far as the proposition of law laid down by Hon'ble Supreme Court in



Abhilasha's case (Supra) is concerned, he is not able to distinguish the same particularly in view of the fact that respondent No.2-major daughter is already getting maintenance to the tune of Rs.10,000/- per month under the Hindu Adoptions and Maintenance Act, 1956.

5. In view of the aforesaid facts and circumstances, this Court is of the considered view that the case of the petitioner is squarely covered by the judgment passed by Hon'ble Supreme Court in **Abhilasha's case (Supra)**.

6. Consequently, the present revision petition is allowed. The impugned order dated 12.08.2021 passed by the learned Principal Judge, Family Court, Bathinda, is hereby set aside.

10.02.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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