

CRR(F)-1389 of 2023

2025:PHHC:014966



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

CRR(F)-1389 of 2023

Date of decision: 31.01.2025

Simran Kaur @ Jagjiwan Kaur

.....Petitioner

Versus

Jaswinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Sumanpreet Kaur Aulakh, Advocate,
for the petitioner.

Ms. G.K. Mann, Sr. Advocate,
with Mr. Adeep Sharma, Advocate,
for the respondent.

NAMIT KUMAR, J.

1. The petitioner has preferred the instant revision petition impugning the order dated 26.05.2023, passed by learned Principal Judge (Family Court), Camp Court, Rajpura, whereby application filed by the petitioner through her mother under Section 127 Cr.P.C. seeking enhancement of maintenance allowance has been dismissed.

2. Learned counsel for the petitioner contended that learned Family Court has wrongly dismissed the petition of the petitioner for enhancement of maintenance allowance without considering the fact that petitioner is the daughter of the respondent and petitioner had filed petition under Section 125 Cr.P.C. through her mother, which was allowed by the learned Sub Divisional Judicial Magistrate, Rajpura, vide order dated 31.01.2012 and thereafter she filed revision petition, through her mother, which was allowed by the learned Sessions Judge,



Patiala, in Lok Adalat, vide order dated 24.07.2013 and respondent was directed to pay Rs.5500/- per month as maintenance allowance to the petitioner through her mother. She further contended that respondent is not depositing the said amount of Rs.5500/- in the account of petitioner through her mother since August, 2017. Learned counsel contended that petitioner is a University student and respondent is duty-bound to pay the maintenance allowance to the petitioner. She contended that keeping in view the fact that respondent is a teacher and mother of the petitioner is a household lady, the Family Court, instead of dismissing the petition, ought to have enhanced the amount of maintenance payable by the respondent to the petitioner.

3. Per contra, learned Senior counsel for the respondent hailed the impugned order passed by the Family Court by contending that the petition for enhancement of maintenance allowance filed by the petitioner through her mother has rightly been dismissed as at the time of filing of the said petition, petitioner was major, therefore, the same was not maintainable. Hence, the present revision petition is also liable to be dismissed.

4. I have heard learned counsel for the parties and perused the record.

5. Admittedly, petitioner is the daughter of the respondent and after matrimonial discord between the mother of the petitioner – Amrit Kaur and the respondent, she is residing with her mother. Petitioner and her mother filed a petition under Section 125 Cr.P.C. against the respondent, which was allowed by the learned Sub



Divisional Judicial Magistrate, Rajpura, vide order dated 31.01.2012. Further, the petitioner through her mother filed a revision petition, which was allowed by learned Sessions Judge, Patiala, vide order dated 24.07.2013 in Lok Adalat and the respondent was directed to pay an amount of Rs.5500/- per month to the petitioner as maintenance allowance. Thereafter, on 12.10.2018, petitioner filed an application under Section 127 Cr.P.C. through her mother for enhancement of maintenance allowance to the tune of Rs.20,000/-. It is pertinent to mention here that at the time of filing petition under Section 125 Cr.P.C. and revision petition by the petitioner through her mother, she was minor, however, at the time of filing application under Section 127 Cr.P.C. on 12.10.2018, she had attained the age of majority. Even in her cross-examination, petitioner has admitted that she is 22 years of age and has completed her graduation. The primary purpose of a legal guardian is to represent the interests of a minor who lacks the legal capacity to make decisions on his/her own. Once an individual reaches the age of majority, he/she is legally competent to file petitions or take legal action independently. Petitioner, who has attained the age of majority is in a capacity to act on her own behalf and does not require a guardian to represent her in Court proceedings. Therefore, the petition under Section 127 Cr.P.C. filed by the petitioner has rightly been dismissed by the Family Court as not maintainable.

6. This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts



below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

7. Learned counsel for the petitioner has not been able to show any such infirmities in the impugned order.

8. Finding no merit, present petition is dismissed.

31.01.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No