

2025:PHHC:033001-DB



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

RFA-158-2025 (O&M)

Date of decision: 06.03.2025

LOVELEEN KAUR

.....Appellant

Versus

JASPAL SINGH & ORS.

.....Respondents

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

Present:- Mr. Manish Kumar Singla, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the judgment and decree dated 22.01.2025 passed by learned Principal Judge, Family Court, Camp Court Patti (for short the 'Family Court'), whereby a suit for declaration filed by the appellant has been decreed holding her entitled to a sum of Rs.8,000/- per month from respondent No.1 (her father), from the date of the order, by creating a charge on the property i.e., 15 Kanals of land comprising in Khewat No.123/124, Khatoni No.180 as per Jamabandi for the year 2018-19, situated in Village Gharyala-II, till the appellant is able to maintain herself after attaining the age of majority or performs her marriage. Respondent No.1-Jaspal Singh has been restrained from alienating the above noted land, in any manner, till the fulfillment of the aforesaid conditions.

2. The appellant is the daughter of respondent No.1-Jaspal Singh. She had filed the aforesaid suit through her mother Ranjit Kaur under Sections 18 and 20 of the Hindu Adoption & Maintenance Act, 1956 (for short 'the Act'), for declaration to the effect that she was entitled to maintenance amount from respondent No.1-Jaspal Singh and further restraining him from alienating the suit land, as detailed in the head note of the plaint, in any manner. It was asserted by her that her mother married respondent No.1-Jaspal Singh on 14.11.2007, according to Sikh rites and she was born out of the said wedlock on 25.09.2008 and that she was living under the guardianship of her mother/natural guardian, Ranjit Kaur, who was bearing all her expenses. The relations between her parents were not good. Respondent No.1-Jaspal Singh was not maintaining her (appellant) inasmuch as he was not providing her education, food, clothing medical assistance and other expenses, required for her daily life. It was further averred by her that respondent No.1-Jaspal Singh was having sufficient movable and immovable properties and that he was owner of the land as detailed in the head note of the suit. The sale deed allegedly executed by respondent No.1-Jaspal Singh in favour of respondent No.2 was denied and if there was any, the same was null and void. It was further pleaded that respondent No.1 was earning Rs.2 Lakh per month from his all sources. Accordingly, she had sought the maintenance to the extent of Rs.50 Lakhs for *bona fide* necessities of her life by creating charge over the land detailed in the head note of the suit.

3. Upon notice, respondent No.1-Jaspal Singh entered appearance and filed his written statement, admitting the relationship between the parties. However, it was pleaded that he had obtained divorce from Ranjit Kaur (mother of the appellant) on 01.07.2019. It was further alleged that said Ranjit Kaur was a permanent staff nurse getting a salary of Rs.60,000/- per month and she could very well maintain the appellant. It was further averred by him that he was ready to maintain the minor child (appellant), as per his resources. Respondents No.2 and 3 were proceeded *ex parte*.

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

- “1. Whether the plaintiff is entitled to relief of permanent injunction as prayed for? OPP
2. Whether the plaintiff is entitled to relief of declaration as prayed for? OPP
3. Whether the plaintiff is not able to pay Court fee?OPP
4. Whether the present suit is an abuse of process of law?OPD
5. Whether the plaintiff is estopped by her own act and conduct from filing the present application? OPD
6. Whether the present petition filed is malafide one and filed by the plaintiff with malafide intention to harass the defendant?OPD

7. Whether the plaintiff has suppressed the material facts from the Court?OPD
8. Whether the present suit is not properly valued for the purpose of Court fee and jurisdiction?OPD
9. Relief.”

5. In evidence, the appellant examined PW1-Ranjit Kaur (her mother). On the other hand, the respondent examined himself as RW1.

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

7. Learned counsel for the appellant has vehemently argued that once it was found by the learned Family Court that respondent No.1 was owner of the property as detailed in the head note of the suit and there was no denial on his part in respect of the relationship between the parties and his liability to maintain the appellant, the maintenance amount granted (Rs.8,000/- per month) is very much on the lower side. It is, further argued that the said amount is meagre vis-a-vis., the expenses being incurred by the appellant on her education and the other basic necessities of life in the present times of rising price index. It is further argued that respondent No.1 is not only the owner of more than 8 acres of land, but he is also doing a Dairy business, besides owning two wheeler and four wheeler. It is accordingly prayed that the maintenance amount awarded by the learned Family Court, may be enhanced.

8. We have heard the learned counsel for the appellant and have also gone through the impugned judgment and decree.

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

10. The relationship between the parties is not in dispute. The appellant is a school going child of 10th class in Sacred Heart School, Patti. It has come on record that Ranjit Kaur, mother of the minor is working as permanent staff nurse and earning Rs.60,000/- per month as per account statement Ex.R1. It was also established on record that she is owner of about 36 Kanals of land. Respondent No.1- Jaspal Singh is owner about of 64 Kanals, 15 Marlas of land situated in Village Gharyala-II and, thus, his annual income was assessed at Rs.6 Lakhs by the Family Court. It was further noticed by the learned Family Court that after obtaining divorce from Ranjit Kaur, respondent No.1 got re-married and he was blessed with a son. Thus, the learned Family Court, has concluded as under:-

“29. So, taking into consideration the above-noted facts and circumstances on record regarding the source of income of both the parties, this Court is of considered opinion that plaintiff is entitled to Rs.8,000/- per month from the date of this order, as she has already receiving maintenance amount i.e. interim maintenance amount from the defendant No.1 in the present case vide order dated 11.02.2019 passed by the Court.

30. In order to secure the maintenance amount of plaintiff a charge is created on 15 kanals of land situated in village Gharyala-II i.e. comprised in Khewat No.123/124 Khatoni No.180 as per Jamabandi for the year 2018-19 and defendant No.1 Jaspal Singh has been permanently restrained from alienating the above-noted 15 kanals of land till the plaintiff is able to maintain herself after attaining majority or till she solemnize marriage. Accordingly, the above-noted issues have been decided partly in favour of plaintiff and against the defendant.”

11. We find that the order passed by the learned Family Court does not suffer from any infirmity. It may be noticed that it is the liability of both the parents to maintain the child. In the instant case, indisputably, the appellant is residing with her mother. Her mother is working as a staff nurse drawing a monthly salary of Rs.60,000/-, besides owning land measures 36 Kanals. Thus, Rs.8,000/- per month as granted by the learned Family Court as maintenance by creating charge over the property of Respondent No.1 till the time the appellant is able to maintain herself by attaining the majority, cannot be said to be unjustified, particularly when, some liability regarding her maintenance can very well be borne by her mother.

12. In view of the above, we do not find any patent illegality or perversity in the findings recorded by the learned Family Court, it could not be shown that any evidence has been misread or not taken into consideration.

13. No other point has been urged.
14. Finding no merit in the present appeal, the same is hereby dismissed.
15. Pending application(s), if any, shall also stand disposed of.

**[SUDHIR SINGH]
JUDGE**

**[SUKHVINDER KAUR]
JUDGE**

06.03.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No