

**HIGH COURT OF CHHATTISGARH, BILASPUR****FAM No.79 of 2016**

- Rajeshwari D/o Bhunu Ram, Aged About 35 Years R/o House No. 11c, Street No. 06, Sector-02, Bhilai, Tahsil And District Durg, ChhattisgarhApplicant, Chhattisgarh

---- Appellant(Applicant)**Versus**

1. Bhunu Ram S/o Dukhit Ram, Aged About 60 Years R/o House No.162-B, Minimata Nagar, P.S. Nevai, District Durg, Chhattisgarh, Chhattisgarh
2. Managing Director, Bhilai Steel Plant, Ispat Bhawan, Bhilai, Thasil And District Durg, Chhattisgarh, District : Durg, Chhattisgarh
3. General Manager, Finance Department, Bhilai Steel Plant, Tahsil And District Durg, ChhattisgarhNon-Applicants, District : Durg, Chhattisgarh

---- Respondents(Non-applicants)

For Appellant : Shri T. K. Tiwari, Advocate
None for respondents, though served.

**D.B.: Hon'ble Shri Justice Goutam Bhaduri &
Hon'ble Shri Justice Sanjay S. Agrawal
Order on Board**

Per Goutam Bhaduri, J.

21/03/2022

1. This instant appeal is directed against the impugned order dated 22-02-2016, whereby the Principal Judge, Family Court, Durg has dismissed the application under Section 18 of the Hindu Adoptions and Maintenance Act, 1956 (hereinafter referred to as "the Act of 1956") filed by the appellant.

2. The short background of the facts are that the appellant is the daughter of the respondent No.1. Initially, a writ petition (WPS No.4792 of 2015) was filed by the appellant herein before this Court, wherein a prayer was made that the respondent-Bhanu Ram, who was employed with Bhilai Steel Plant, is going to retire and likely to receive Rs.55 Lakh as retiral dues, therefore, appropriate writ



be issued directing the respondent-Employer-Bhilai Steel Plant to release a part of retiral dues to the tune of Rs.20 Lakh in her favour. The Writ Court, by its order dated 07-01-2016 has dismissed the petition as not maintainable, reserving liberty to the petitioner therein to file an application under Section 20(3) of the Act of 1956 before the appropriate Civil Court/Family Court.

3. Learned counsel for the appellant submits that after passing of order dated 07-01-2016 by this Court, an application was filed by the appellant herein before the Principal Judge, Family Court, Durg, under Section 18 of the Act of 1956, claiming an amount of Rs.25 Lakh for the purpose of her marriage. The said application was dismissed in limine. Learned counsel for the appellant, while placing reliance on the decision of High Court of Madras in the case of **R. Durairaj vs. Seethalakshmi Ammal and Others**, reported in **1991 Law Suit (Mad) 190**, would submit that the maintenance amount would include the expenses of marriage, therefore, the Family Court should not have dismissed the application under Section 18 of the Act of 1956 at the threshold and the order dated 22-02-2016 is liable to be set aside.

4. We have heard learned counsel for the appellant and perused the documents.

5. An application moved under Section 18 of the Act of 1956 by appellant would purport that an amount of Rs.25 Lakh was claimed from father predominately for her marriage. In alternative, an amount was also claimed by the appellant herein from the Bhilai Steel Plant, wherein father of the appellant was working, to release an amount of Rs.25 Lakh in her favour. The allegation of the appellant was that after the retirement, her father-Bhunu Ram has received Rs.75 Lakhs and Rs.25 Lakh remains to be released as retiral dues and if the aforesaid remaining amount is released in his favour, in such a case, he would flee away.

6. Section 20 of the Act of 1956 speaks about the maintenance of children



and aged parents. Sub section(3) of Section 20 of the Act of 1956 causes obligation of a person to maintain his or her aged or infirm parent or a daughter who is unmarried, as the case may be, is unable to maintain himself or herself out of his or her own earnings or other property. The application filed before the Family Court is only confined to release of Rs.25 lakh as one time settlement for the purpose of marriage only and not for daily food, clothing and residence. The appellant in her petition claims that she is a unmarried daughter.

7. The maintenance is defined under Section 3(b)(ii) of the Act of 1956, as under:-

3. Definitions – In this Act, unless the context otherwise requires, –

(a) --- xx ----

(b) “Maintenance” includes----

(i) --- xx ---

(ii) In the case of an unmarried daughter, also the reasonable expenses of and incident to her marriage.

Reading of the aforesaid Section in unambiguous term includes the expenses for marriage. The right includes the reasonable expenses of marriage of daughter and expenses incident to her marriage. In Indian society, normally expenses are required to be incurred for pre-marriage and also at the time of marriage. Thus, the centrality of Act of 1956 gives safeguard to both. So, a right is created to claim the expenses incident to marriage and the Courts also cannot be in denial mode, when such rights are claimed by unmarried daughters. Before and during marriage, the collective rituals are required to be performed, which come at a price. Unless the proceedings are allowed to be carried out at the instance of an unmarried daughter under the Act of 1956, claiming expenses for marriage, the statutory attempt cannot be terminated at threshold. Key question of right of unmarried daughters for anticipated expenses of marriage is required to be ascertained to grant reasonable expenses.



8. We accordingly set aside the order dated 22-02-2016 passed by the Principal Judge, Family Court, Durg and remand the matter to the learned Family Court for adjudication of the same on merits in the spirit of Section 3(b) (ii) of the Act of 1956.

9. In view of foregoing, the appeal is allowed. The parties shall appear before the Family Court on 25-04-2022.

SD/-
(Goutam Bhaduri)
Judge

SD/-
(Sanjay S. Agrawal)
Judge





Head Note

Unmarried daughter can claim expenses of marriage from their parents under the Hindu Adoptions & Maintenance Act, 1956.

हिन्दू दत्तक एवं भरण पोषण अधिनियम 1956 के तहत अविवाहित पुत्री अपने अभिभावकों से विवाह में होने वाले व्ययों का दावा कर सकती है।

