2025:CGHC:56721-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 168 of 2025

Raj Kumar Sonwani S/o Ramsai Aged About 48 Years R/o Village Karji Post And Police Station Patna Tehsil Baikunthpur District- Koriya (C.G.) (Defendant)

... Appellant

versus

Kumari Purnima D/o Raj Kumar Sonwani Aged About 25 Years R/o Village Kamalpur Post Krishnapur Police Station Surajpur Tehsil Ramanujnagar District - Surajpur (C.G.) (Plaintiff)

... Respondent

For Appellant	: Mr. Anurag Singh, Advocate
For Respondent	: Mr. Utkarsh Patel, Advocate
As Amicus Curaie	: Mr. Sharad Mishra, Advocate

DB- Hon'ble Shri Justice Sanjay K. Agrawal
Hon’ble Shri Justice Sanjay Kumar Jaiswal
Judgment On Board

21.11.2025

> "A father cannot abdicate his responsibility of looking after his unmarried daughters. A father has a duty and an obligation to maintain his daughters and to take care of their expenses, including towards their education and marriage. This obligation is legal and absolute in character and arises from the very existence of the relationship between the parties. Kanyadaan is a solemn and pious obligation of a Hindu father, from which he cannot renege."

1. The aforesaid observation made by the Delhi High Court in the matter of **Poonam Sethi v. Sanjay Sethi**[1] aptly applies to the facts of the present case.

2. Invoking jurisdiction of this Court under Section 19 of Family Courts Act, the appellant/defendant has preferred this appeal calling in question the legality, validity and correctness of impugned judgment and decree dated 02/09/2024 passed in Civil Suit No. 56A/2022 whereby the Family Court, Surajpur (C.G.) has allowed the application preferred by the respondent/plaintiff under Section 20 read with Section 3(b) of the Hindu Adoptions and Maintenance Act, 1956 (hereinafter, the Act of 1956) and granted Rs. 2,500/- per month as maintenance and Rs. 5,00,000/- towards her marriage expenses.

3. Respondent/plaintiff is the daughter of appellant/ defendant and she filed an application under Section 20 read with Section 3(b) of the Act of 1956 stating inter alia

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1 (2022) 1 High Court Cases (Del) 95 : 2022 SCC Online Del 69

that her father i.e. respondent/defendant has entered into second marriage with a woman namely Sabri alias Souri and he has two children out of that wedlock and since the respondent/plaintiff is aged about 25 years and is not able to maintain herself and the appellant/defendant, being a Government Teacher, earns Rs. 44,642/- per month as per Ex. P/4, the respondent/plaintiff is entitled for maintenance as well as for marriage expenses to the extent of Rs. 15,00,000/-, which was opposed by the respondent/defendant.

4. Learned Family Court, after a full-fledged inquiry, held that since the respondent/plaintiff is the daughter of appellant/defendant and is unable to maintain herself, therefore, she is entitled to get maintenance amount of Rs. 2,500/- per month from the appellant/defendant till her marriage and is also entitled to get Rs. 5,00,000/- towards marriage expenses, feeling aggrieved and dissatisfied by which, instant appeal has been preferred by the appellant/defendant.

5. Mr. Anurag Singh, learned counsel for the appellant/defendant, would submit that the Family Court is absolutely unjustified in granting maintenance as well as marriage expenses to the respondent/plaintiff as both the parties did not file affidavit in terms of the decision

rendered by the Supreme Court in the matter of **Rajnish v. Neha**[2], therefore, the impugned judgment and decree passed by the Family Court is liable to be set aside.

6. Mr. Utkarsh Patel, learned counsel for the respondent/plaintiff, would support the impugned judgment and decree passed by learned Family Court and submit that the instant appeal is liable to be dismissed.

7. Mr. Sharad Mishra, learned counsel appearing as Amicus Curiae, would submit that the Family Court is absolutely justified in granting maintenance as well as marriage expenses in favour of the respondent/plaintiff and he has brought to our notice the decision rendered by the Supreme Court in the matter of **Abhilasha v. Parkash**[3].

8. We have heard learned counsel for the parties as well as the Amicus Curiae, considered their submissions made herein-above and went through the records with utmost circumspection.

9. The relationship between the appellant/defendant and respondent/plaintiff, being that of a father and daughter, is not in dispute and it is also not in dispute that appellant/defendant has performed second marriage and has two children out of that wedlock. It is the case of the

2 AIR 2021 SC 569

3 (2021) 13 SCC 99

respondent/plaintiff that she is unable to maintain herself and also needs financial support from her father i.e. appellant/defendant to bear her marriage expenses.

10. At this stage, it would be relevant to notice the provisions contained under Section 3(b) of the Act of 1956, which provides as under :-

> "**3. Definitions. -** (a) XXX
>
> (b) "Maintenance" includes -
>
> (i) in all cases, provision for food, clothing, residence, education and medical attendance and treatment;
>
> (ii) in the case of an unmarried daughter, also the reasonable expenses of and incident to her marriage;"

11. A careful perusal of the aforesaid provision would show that clause (ii) of the definition of "maintenance" under Section 3(b) of the Act of 1956 is inclusive and an unmarried daughter's expenses for marriage are included. In the case of an unmarried daughter, 'maintenance' includes reasonable expenses of and incidental to her marriage.

12. Section 20 of the Act of 1956 provides for maintenance of children and aged parents. Clause (3) of Section 20 states as under :-

> "**20. Maintenance of children and aged parents. -**
> (1) XXX XXX XXX

(2) XXX XXX XXX

(3) The obligation of a person to maintain his or her aged or infirm parent or a daughter who is unmarried extends in so far as the parent or the unmarried daughter, as the case may be, is unable to maintain himself or herself out of his or her own earnings or other property."

13. Section 20(3) of the Act of 1956 came up for consideration before the Supreme Court in the matter of **Abhilasha** (supra) whereby their Lordships have clearly held that Section 20 of the Act of 1956 casts a statutory obligation on a Hindu to maintain his daughter who is unmarried and unable to maintain herself out of her own earnings or other property. It has further been held that the right of unmarried daughter under Section 20 to claim maintenance from her father when she is unable to maintain herself is absolute and the right given to unmarried daughter under Section 20 is rightly granted under Personal law, which can very well be enforced by her against her father. Paragraph 32 of the report states as under :-

"32. The provision of Section 20 of the 1956 Act casts clear statutory obligation on a Hindu to maintain his unmarried daughter who is unable to maintain herself. The right of married daughter under Section 20 to claim maintenance from her father when she is unable to maintain herself is absolute and the right given to unmarried daughter under Section 20 is rightly granted under Personal law, which can very well be enforced by her against her father. The judgment of this Court in *Jagdish*

> *Jugtawat*[4] laid down that Section 20(3) of the 1956 Act recognised the right of a minor girl to claim maintenance after she attains majority till her marriage from her father. Unmarried daughter is clearly entitled for maintenance from her father till she is married even though she has become major, which is a statutory right recognised by Section 20(3) and can be enforced by unmarried daughter in accordance with law."

14. Coming to the facts of the present case in light of the aforesaid legal principles laid down by their Lordships of the Supreme Court in the matter of **Abhilasha** (supra), it is quite vivid that though the respondent/plaintiff is a major, aged about 25 years, but by virtue of Section 3(b)(ii) read with Section 20(3) of the Act of 1956, she, being an unmarried daughter, is clearly entitled for maintenance from her father appellant/defendant till she is married, as well as marriage expenses, which is her statutory right. The appellant/defendant, being the father of respondent/plaintiff, has a moral and legal responsibility and obligation to maintain his daughter, who is unmarried, even though she has attained the age of majority. He cannot deny to pay the marriage expenses on any ground whatsoever when he is getting a reasonably well salary by working as a Government Teacher as per Ex. P/4.

15. In that view of the matter, learned Family Court is absolutely justified in granting the application filed by the respondent/plaintiff and granting Rs. 2,500/- per month as

4 Jagdish Jugtawat v. Manju Lata, (2002) 5 SCC 422

maintenance till her marriage or till she is in a position to earn her livelihood and Rs. 5,00,000/- towards her marriage expenses. As such, we do not find any merit in this appeal.

16. At this stage, learned counsel for the respondent/plaintiff submits that maintenance amount of Rs. 2,500/- is not being paid by the appellant/defendant and Rs. 5,00,000/- towards her marriage expenses has also not been deposited to which learned counsel for the appellant/defendant, upon instruction, submits that the amount of maintenance will be paid by the appellant/defendant regularly and Rs. 5,00,000/- will be deposited within three months.

17. With the aforesaid observations, the instant appeal, being devoid of merits, is hereby dismissed leaving the parties to bear their own cost(s).

SD/- SD/-

(Sanjay K. Agrawal)
JUDGE

(Sanjay Kumar Jaiswal)
JUDGE

Harneet