IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. Revision (FC) No.60 of 2026
Decided on : 16.09.2026

Santosh Kumar Guleria **…Petitioner**

Versus

Aadarsh Guleria **…Respondent**

Coram
Hon'ble Mr. Justice Ajay Mohan Goel, Judge
Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?[1] Yes

For the petitioner : Mr.Hoshiyar Singh Rangra, Advocate.

For the respondent : Nemo

Ajay Mohan Goel, Judge *(Oral)*

As per the report of the Registry, the sole respondent is unserved as reported by his mother because he is pursuing his MBBS Course in Russia. Be that as it may, we had requested the learned counsel for the petitioner to assist the Court on the merits of the case.

2. The petitioner, herein, is aggrieved by the order passed by the Court of learned Principal Judge, Family Court, Kullu in

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1*Whether reporters of the local papers may be allowed to see the judgment?*

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Cr.MP No.62 of 2024 in Petition No.38 of 2024 filed under Section 144 of the Bharatiya Nagarik Suraksha Sanhita dated 05.06.2026, passed in an application preferred by the respondent herein. In terms of the order, the prayer of the respondent/son of the present petitioner for directing the petitioner herein to pay Rs.7,50,000/- as admission fee for MBBS Course as per the session 2024-2025 and thereafter Rs.70,000/- per month for maintenance as well as expenses for pursuing his study has been decided by the learned Court below by directing the petitioner herein to pay Rs.30,000/- per month to the petitioner from the date of filing of the application to meet the education expenses of the respondent till his MBBS course has ended.

3. Learned counsel for the petitioner has submitted that the impugned order is per se not sustainable in the eyes of law as the same has been passed ignoring the provision of Section 144 of the BNSS, in terms whereof, a major son is not entitled for any maintenance. He submitted that the petitioner has two sons and one of them is studying in Germany and his upkeep is also the responsibility of the petitioner. Learned counsel has further submitted that the petitioner is drawing a monthly pension of Rs.44,000/- approximately as of now and if out of this amount an amount of Rs.30,000/- is to be paid to the respondent, then, the

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petitioner will have nothing left at his disposal.

4. Having heard learned counsel for the petitioner and having perused the impugned order, we are of the considered view that in the facts and circumstances of this case, no interference with the impugned order is called upon by this Court. It is a matter of record that the respondent is a major currently but then the fact of the matter remains that he is pursuing his MBBS Course at Kemerovo State Medical University at Russia.

5. Simply because, the petitioner has another son, who is also studying abroad does not absolve the present petitioner from taking care of the educational needs of his other son i.e. respondent herein. As observed by us herein above, that it is a matter of record that the respondent is a major, but then the learned Court below has taken this aspect of the matter into consideration while passing the impugned order as is evident from Para 7 and 7.1 thereof which along with para 8 are quoted herein:-

> "7. It is too early to comment upon the merits of the case especially when parties have not led evidence. However, from the record, it is clear that relationship of the parties is admitted. The allegations and counter allegations of the parties can only be adjudicated after the evidence is led. In affidavit of assets and liabilities, petitioner has declared his income to be nil. As per salary certificate placed on

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file respondent was having gross salary of ₹1,14,912/- as on 19.09.2024. It is not in dispute that petitioner has now turned major.

7.1 Ld. Counsel for the respondent has vehemently argued that since the petitioner is major, respondent is not legally bound to pay any maintenance or educational expenses of the petitioner. The argument of the respondent is meritless. Hon'ble High Court of Delhi in "Parvin Kumar Jain vs Anju Jain" MAT. Appl. (F.C.) 226/2018 and CM Appl. 36723/2018, CM Appl. 4245/2021, CM Appl. 51379/2022, CM Appl. 52044/2022 decided on 01.08.2024 has held that a child even after attaining the age of 18 years can be entitled to maintenance till he starts working and earning or till his studies are complete. The view was affirmed by Hon'ble Apex Court in "Parvin Kumar Jain vs Anju Jain" Civil Appeal No.-/2024 (arising out of SLP) numbers 21710-21711 of 2024 decided on 10.12.2024. The ratio of rulings referred supra are squarely applicable in the present case. In the present case, petitioner is still a student and has sought expenses of his education as well as maintenance as he intends to pursue MMBS course at Kemerovo, State Medical University, Russia. Though his mother may have retired from Govt. job as alleged by the respondent but that alone does not absolve the respondent from his liability to maintain the petitioner who definitely is his son till he does not complete his studies.

8. Keeping in view the salary of the respondent and fact that petitioner intends to pursue MBBS course,

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> respondent is directed to pay ₹30,000/- per month to the petitioner from the date of this application to meet his educational expenses till his MBBS course is not complete. In view of findings above application moved by the respondent for dismissal of the application of interim maintenance is rendered infructuous and is dismissed. Before parting, it is made clear that findings are purely for disposal of this application and shall have no bearing on the merits of the case. The applications stands disposed of. Be tagged with file after due completion."

6. During the course of arguments of this case, learned counsel for the petitioner could not demonstrate that the findings returned therein, were either perverse or not borne out from the record. It could not be disputed that in a similar case, the grant of maintenance to a major child was upheld by the Hon'ble Supreme Court of India as stands mentioned in the impugned order. Therefore, in light of this fact, as what the learned Court below has done is that it has directed the petitioner herein to pay Rs.30,000/- to the respondent/son to meet his educational expenses till his MBBS Course is completed, we do not find any infirmity in the order under challenge.

7. The contention of the learned counsel for the petitioner that his pension is only Rs.44,000/- per month does not convinces the Court because on the repeated query put to the learned

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counsel, as to what was the actual pension of the petitioner when he superannuated and how much amount of pension was commuted by him, no answer was given. Accordingly, in light of the above observations, the present petition is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 16, 2026 (meera)

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