

BALJIT KAUR VS SUKHWINDER GILL

Present: None.

Case called several times but none has appeared on behalf of plaintiff. Perusal of file reveals that the present case has been filed for declaration to the effect that the marriage of plaintiff with defendant is wrong, illegal, null and void having no binding effect on the rights of plaintiff and is liable to be treated the same as wrong and illegal marriage and for permanent injunction restraining the defendant, from harassing the plaintiff and from interfering in the life and married life of the plaintiff during the subsistence of the said marriage.

From the perusal of the plaint it is evident that the plaintiff admits of the fact that she was married to the defendant on 24.04.2016 at Gurudwara Sewak Jatha, Mohalla Kartarpur Nabha, District Patiala and the marriage was registered with Registrar of Marriages, Nabha, Patiala on 20.01.2017 and the reason for which the declaration is sought is that in the marriage certificate the defendant had declared his status before marriage as that of a divorcee. That in itself is no ground to hold the marriage as illegal, null and void and if at all, any remedy is to be availed, it has to be availed under the provisions of Hindu Marriage Act and a suit for declaration would not be maintainable.

Since the suit for declaration is not maintainable, till such time the marriage between plaintiff and defendant is dissolved by due course of law, the defendant can call upon the plaintiff to discharge her marital obligations and given the fact that the nature of threats given by

the defendant has not been elaborated, the plea of the plaintiff is too vague for any relief to be granted against the defendant. Accordingly, this court is not inclined to exercise its jurisdiction to grant the discretionary relief of permanent injunction.

Accordingly, the present suit is dismissed for non-appearance of the plaintiff and also as not maintainable in so far as the relief of declaration is concerned. File be compiled and consigned to record room.

Date of Order: 25.02.2019
(Manvinder Singh Stenographer-III)

Deepak Kumar Choudhary,
Addl. Principal Judge,
Family Court,
Camp Court Rajpura,
UID:PB0166