

Court No. - 50

Case :- WRIT - C No. - 21743 of 2023

Petitioner :- Smt. Ramvati And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ravi Shankar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Ram Manohar Narayan Mishra,J.

The petitioners have preferred this writ petition with following prayers:-

"(B) Issue a writ, order or direction in the nature of mandamus commanding the respondents not to interfere and disturb the peaceful life of the petitioners by adopting the coercive measures.

(C) Issue a writ, order or direction in the nature of mandamus directing the respondent No.2 to secure the peaceful life of the petitioners from respondent No.3 and his associates."

Learned counsel for the petitioners submitted that petitioners belongs to Hindu community. They are living in live-in relationship, after attaining age of majority. The date of birth of petitioner No.1 is mentioned as 16.7.2001 in her Aadhar Card and that of petitioner No.2 is mentioned as 1.2.2001 in their Aadhar Cards. They have filed joint affidavit in support of their pleadings made in present writ petition. Petitioner No. was previously married with one Kalyan Singh, resident of Village Amanpur, Police Station and District Kasganj according to Hindu rites and rituals but no child was born out of their wedlock. Petitioner No.1 parted her ways with her husband due to some ideological differences and dispute and her matrimonial relations with her husband could not be reconciled. Petitioner No.1 obtained divorce from her husband with his consent and efforts of family members as well as relatives. She has developed intimacy with petitioner No.2. The petitioners being consenting adults are free to take their own decision with regard to choice of their life partners. The live-in relationship has been recognized by the Hon'ble Apex Court also in various decisions. However, the respondent No.4, who is father of petitioner No.1, is strongly opposed to their relationship and he is constantly hurling threats and coercing the petitioner. The petitioners are apprehending danger to their life and liberty from

respondent No.4.

Learned Standing Counsel submitted that the petitioners have failed to show that any legal divorce has taken place between petitioner No.1 and her husband and in view of this fact, the petitioners do not deserve any order or direction in the nature of mandamus at the instance of this Court for their protection.

This is admitted fact that the divorce of petitioner No.1 with her previous husband has not been effected by orders of any competent court. Therefore, the marriage of petitioner No.1 with her previous husband will be treated as subsisting in the eye of law and a Division Bench of this Court in **Asha Devi and Another vs. State of U.P. and others, 2021 (147) ALR 510**, has held that no protection can be granted to the petitioners on the account of the fact that the previous marriage of one of the petitioners is still subsisting in the eye of law for want of decree of divorce by a competent court.

In view of aforesaid, no protection can be granted to the petitioners and present writ petition is liable to be dismissed.

Accordingly, present writ petition stands **dismissed**.

Order Date :- 26.10.2023

Kamarjahan