

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

SWP No. 1706/2018
c/w SWP No. 1270/2018

Sonia and Ors.

.... Petitioner/Appellant(s)

Through:- Mr. Sachin Dogra, Advocate in SWP
No. 1270/2018
Ms. Ranjana Bhan, Advocate in SWP
No. 1706/2018

V/s

Union of India and others

.....Respondent(s)

Through:- Mr. Vishal Sharma, DSGI.
Mr. L. K. Moza, CGSC.

CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

11.04.2025

SWP No. 1706/2018

The instant writ petition is segregated and the order passed separately.

SWP No. 1270/2018

01. On the last date of hearing, respondent No. 6 was directed to remain present before this Court. However, today, he is not present. On 13.12.2023, this Court passed the following order:-

“While the matter was being considered for dictating the judgment, I came across two judgments, one being read upon by learned counsel for the petitioners and another one was being produced during the course of arguments. Two documents are the judgments passed in petitions filed under Section 13 of J&K Hindu Marriage Act, 1980 and both filed by the respondent- Bua Ditta.

During the course of arguments, it was submitted that the marriage between petition No. 1 and respondent No. 6 has come to end by passing a decree of divorce on 05.05.2018 by learned Principal District judge, Samba in a petition filed by respondent No. 6 under Section 13 of Hindu Marriage Act. The said petition has been filed, as is evident from the judgment, on 16.1.2018 before the Court of learned Principal District Judge, Samba and prior to the same, respondent No. 6-Bua Ditta had filed a petition under

Section 13 of J&K Hindu Marriage Act before the Court of Munsiff, Akhnoor with powers of District Judge under Hindu Marriage Act, on 16.12.2013 and the said petition filed by respondent No. 6 was dismissed on 30.12.2017 as is evident from the record on the file.

It is clear that immediately after the dismissal of the petition under Section 13 of Hindu Marriage Act, he had moved yet another petition under Section 13 of Hindu Marriage Act now before the Court of District Judge, Samba where he got the decree of divorce and filing of the previous petition as well as its dismissal has not been disclosed by him and respondent No. 6 cleverly filed another petition before the Court of District Judge, Samba and obtained the decree in ex-parte. The filing of subsequent petition before the Court of District Judge, Samba amounts to misuse of process of law and this act of respondent No. 6 would also amount to committing fraud with the Court.

Before initialing the proceedings against respondent No. 6 he is directed to appear before this Court on the next date of hearing to explain his position regarding the aforesaid facts”.

2. On 11.03.2024, Mr. Tayyab Javed Qureshi, Advocate appeared on behalf of respondent No. 6 undertook to produce respondent No. 6 before this Court on the next date of hearing. However, today neither Mr. Tayyab Javed Qureshi, Advocate nor respondent No. 6 has appeared before this Court.
3. In view of the fraud committed by respondent No. 6 and his continuous absence from this Court, let bailable warrants to the tune of Rs. 30,000/-, be issued against respondent No. 6, to be executed through SHO concerned, who shall ensure the execution of the warrants and report regarding the same on the next date of hearing.
4. List on **28.04.2025**.

(Vinod Chatterji Koul)
Judge

Jammu:

11.04.2025
Javid Iqbal

