

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11047 of 2014**

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1. Sunita Devi wife of Late Ram Swarath Rai, Chaukidar MES- 228197- resident of Village Rampur, Kitcheni, Post AND P.S. Desari, District- Vaishali (Bihar)

.... .... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, New Delhi
2. Principal, Office of the C.D.A. (Pensions), Allahabad (U.P.)
3. The Senior Record Officer/Chief Engineer Central Command, MES, Head Quarters, Lucknow- 2
4. The Garison Engineer, G.E. Office, Danapur, Patna (Bihar)

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Nirmal Kumar Sinha

For the Respondent/s : Mrs. Kanak Verma, CGC

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 12-05-2016**

This writ application is dismissed for two reasons, one that the writ application is not maintainable in view of the Armed Forces Tribunal Act, 2007 and secondly that there is serious dispute about the status of the present petitioner who claims herself to be the second wife of the ex-employee but from the record it is evident that the first wife was very much alive when the so called marriage of the petitioner happened with the ex-employee as the marriage is supposed to have been solemnized on 19.05.1995 but the death of the first wife, as per record, happened on 05.03.2007. Learned counsel for the petitioner submits that the second marriage was solemnized after the divorce of the first wife.

Since the petitioner is governed by Hindu Marriage Act, therefore, there has to be a decree of annulment of marriage of a court of competent jurisdiction. Mere statement that the second marriage happened after divorce is only an effort on the part of the petitioner to create a case where there is no case.

This writ application is dismissed for the aforesaid reasons. If the petitioner wants to invoke the jurisdiction of the Armed Forces Tribunal, let her do so. The Court has nothing to offer for the same.

**(Ajay Kumar Tripathi, J)**

Amin/-

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