

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18252 of 2015

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Smt. Sangeeta Devi Wife of Late Binay Kumar Singh Resident of Village and Post
Bahorna Police Station - Belhar, District - Banka presently residing with her
father namely Gajendra Narayan Mehta, Village - Murli Basantpur, P.S. - Bangaon,
District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Agriculture Department Government of Bihar, Patna.
3. The Agriculture Director, Bihar, Patna.
4. The Joint Director (Shasya) Purnea Division Purnea.
5. The District Agriculture Officer, Purnea.
6. The District Provident Fund Officer, Purnea.
7. The Accountant General Bihar, Patna.
8. Smt. Arti Kumari Resident of Mohalla - Kobi Bari Saray, P.S. - Kotwali,
District - Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Satish Chandra Jha-3, Advocate
For the State	:	Mr. S.S.P. Yadav, S.C.143
For the A.G.	:	Mr. Vivekanand Kumar, Advocate
For Res. No.8	:	Mr. Dilip Kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 16-09-2016

The short facts are that late Binay Kumar Singh, a government employee, was married to the present petitioner in the year 1989. However, it is said that the present petitioner deserted him in the year 1995 and they have had no relationship as such for which even a maintenance case was filed, a copy of which is Annexure-1 series.

2. The whole problem has arisen because there is yet another claimant, namely, respondent no.8 who also claims herself to be a legally wedded wife of late Binay Kumar Singh. This marriage

was solemnized in the year 2009.

3. The facts are not a matter of dispute. The law is also unambiguous. The second marriage is a nullity as per the Hindu Marriage Act. If that be so, whatever has been the conduct of the present petitioner as a wife infact that the marriage was not dissolved, it does not take away her right to claim herself to be legally married wife of late Binay Kumar Singh.

4. If this be so, the claim for family pension etc. due to death of late Binay Kumar Singh would be required to be settled by the respondent authorities in her favour.

5. Any claim made by the private respondent no.8 can only emerge if she gets an appropriate declaration from a civil court of competent jurisdiction.

6. Writ is disposed of with the above observations.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
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