

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.15122 of 2016
Date of decision: 29.07.2016**

Amarjit Kaur

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Mandeep Singh Sachdev, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

The grievance of the petitioner in the present writ petition is that she was married with respondent No.4 in the year 1985 and respondent No.4 filed a divorce petition and got *ex-parte* decree of divorce vide judgment dated 02.04.1997. Thereafter, the petitioner filed an appeal before this Court and the same was allowed vide judgment dated 18.11.2009 and the divorce petition filed under Section 13 of the Hindu Marriage Act, 1955 by respondent No.4 was ordered to be dismissed with costs. Thereafter, respondent No.4 filed SLP before Hon'ble the Supreme Court, which was also dismissed on 12.01.2016. Respondent No.4 after taking *ex-parte* decree of divorce married with one Paramjit Kaur @ Pammi.

Learned counsel for the petitioner submits that the aforesaid Paramjit Kaur @ Pammi is not the legally wedded wife of respondent No.4 as the *ex-parte* decree of divorce was set-aside by this Court. Respondent No.4 is going to retire on 31.07.2016 and the name of said Paramjit Kaur @ Pammi has been recorded as legally wedded wife in the service record of

respondent No.4 whereas the petitioner is legally wedded wife of respondent No.4. All the pensionary and service benefits are going to be released in favour of said Paramjit Kaur @ Pammi. Learned counsel also submits that the petitioner has also served a legal notice on 11.07.2016 (Annexure P-5) but no action has been taken so far.

In view of the submissions made by learned counsel for the petitioner, the present writ petition is disposed of with a direction to respondent No.2 to consider the legal notice (Annexure P-5) served by the petitioner and pass necessary speaking order in accordance with law by considering the divorce petition, ex parte decree of divorce, judgment passed by this Court as well as Hon'ble the Supreme Court within a period of four weeks from the date of receipt of certified copy of this order.

In case, the personal appearance of the petitioner is required, the opportunity be given to her.

Disposed of accordingly.

29.07.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	√ Yes/No
Whether Reportable	Yes/No