

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 847 of 2018**

Supreet Singh Sabharwal, Aged about 37 years, S/o Shri Manjeet Singh Sabharwal, R/o Block-C/3, Flat No.-403, Paras Hermitage Building, Hoshangabad Road, P.S.- Misrod, District Bhopal (M.P.)

---- Petitioner

Versus

Smt. Taranjeet Kaur Sabharwal, W/o Shri Supreet Singh Sabharwal, aged about 36 years, Present Address - Teg Aanchal, Beside Panchwati School, Old High Court Road, Bilaspur, Tehsil & District Bilaspur (C.G.)

----Respondent

For Petitioner : Mr. Achut Tiwari, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/10/2018**

1. The petitioner's application under Order 7 Rule 11 of the Code of Civil Procedure has partly been allowed and partly been rejected by the trial Court and impugned order partly rejecting the application has been challenged in this writ petition.
2. Learned counsel appearing for the petitioner would submit that order impugned partly rejecting the application filed by the petitioner is bad and unsustainable in law, which is liable to be set aside.
3. I have heard learned counsel appearing for the petitioner and perused the order impugned with utmost circumspection.
4. The trial Court has rejected the plaint in part so far as relief of decree of divorce is concerned as it has already been granted by the competent court. However, the suit with

regard to *Stridhan* has been held to be maintainable.

5. Main objection raised by learned counsel appearing for the petitioner is that the said application has been filed under Section 13 of the Hindu Marriage Act, 1955 (for short "Act, 1955") in which respondent has claimed *stridhan* whereas *Stridhan* can be granted under Section 25 of Act, 1955.

6. Mere mentioning of wrong provision of the law would not denude the power and jurisdiction, which the Family Court has otherwise under Section 25 of the Act, 1955 to grant *stridhan*, therefore, the Family Court is absolutely justified in partly rejecting the application filed by the petitioner, in which I do not find any illegality warranting interference by this Court in the instant petition. However, the petitioner is at liberty to raise the said plea in the written statement and for which the issue will be framed by the trial Court and decided the same along with other issues in accordance with law..

7. With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

