

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

CM-5940-CII-2018;
CR No.8803 of 2017
Date of decision: 07.05.2018

Ajit Singh and another

... Petitioners

Versus

Sapna Kumari and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vaneet Kumar Sharma, Advocate
for the applicant-petitioners.

ARUN PALLI, J. (Oral)

The petitioners are aggrieved by an order dated 22.11.2016, rendered by the Motor Accident Claims Tribunal, vide which their application under Order 1 Rule 10 of the Code of Civil Procedure, for deleting the name of respondent No.1, who happens to be one of the claimants with the petitioners, has since been dismissed.

Concededly, the petitioners as also Sapna Kumari (respondent No.1) filed a claim petition before the Tribunal, owing to the death of the husband (Rohit Atri) of respondent No.1 and son of the petitioners. Briefly, the case of the petitioners is; that post institution of the claim petition, they discovered that their son Rohit Atri was initially married to Tanya Antoinette Krsnik. However, their marriage was dissolved by an order dated

16.12.2008, passed by the Family Court of Western Australia, Perth w.e.f. 17.01.2009. Whereas, the deceased married respondent No.1 on 08.03.2008. Thus, at the time of marriage of the deceased with respondent No.1, his first marriage was still subsisting. Hence, his second marriage with respondent No.1 was invalid in law.

On the contrary, the positive case set out by respondent No.1 has been that she was the legally wedded wife of late Rohit Atri, and their marriage was duly registered. Further, the first marriage of deceased Rohit Atri was not proved in terms of the Hindu Rites & Ceremonies. In any case, after the alleged marriage was dissolved w.e.f. 17.01.2009, deceased and respondent No.1 continued to live as husband and wife, till he died in an accident.

The Tribunal dismissed the application moved by the petitioners, for the dispute as to whether respondent No.1 was indeed a legally wedded wife of Rohit Atri could not be gone into in these proceedings. But, in an appropriate proceedings before a competent court of law. It is not disputed either that claim petition was filed by the petitioners along with respondent No.1 being widow of late Rohit Atri. Further, the order that is being assailed was passed on 22.11.2016, whereas the petition at hands was filed in December, 2017 that is after over a year. For sure in the interregnum the matter progressed considerably. In the circumstances, the petition appears to be wholly speculative and lacks bonafides. That being so, the only and the inevitable conclusion that could be reached is; the petition is devoid of merit and is liable to be dismissed.

No ground is made out to interfere in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition is accordingly dismissed.

07.05.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO