

FAO-M-306-2018(O&M)

[1]

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

Date of Decision: 19.11.2018

1) **FAO-M-306-2018(O&M)**

Sukhpal SinghPetitioner

Vs.

Daljit Kaur & Anr. Respondents

2) **FAO-M-216-2018(O&M)**

Sukhpal SinghPetitioner

Vs.

Daljit Kaur Respondent

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL**

Present: - Mr. Vinay Kumar, Advocate for
Mr. Abhinav Gupta, Advocate
for the appellant.

Mr. Rajesh Kumar Girdhar, Advocate
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of two appeals bearing FAO-M-306-2018 titled as 'Sukhpal Singh vs. Daljit Kaur and another' (hereinafter referred to 'first appeal') and FAO-M-216-2018 titled as 'Sukhpal Singh vs. Daljit Kaur' (hereinafter referred to 'second appeal').

In brief, marriage of Sukhpal Singh with Daljit Kaur was solemnized in January, 2006 at Faridkot as per Sikh rites. They lived together as husband and wife up to the year 2008 but they do not have

any child out of the said wedlock.

The first appeal has arisen from the judgment and decree dated 02.11.2017 passed by the District Judge, Sri Muktsar Sahib in a petition filed under Section 11 of the Hindu Marriage Act, 1955 by Daljit Kaur against her husband Sukhpal Singh for seeking declaration of the marriage as void on the ground that Sukhpal Singh was already having a living spouse, namely, Rajinder Kaur at the time of his marriage with her. The said petition was allowed vide judgment and decree dated 02.11.2017 as Daljit Kaur had successfully proved that her husband Sukhpal Singh was already married and a living spouse.

Insofar as the second appeal is concerned, it has arisen from the judgment and decree dated 02.11.2017 passed by the District Judge, Sri Muktsar Sahib, by which the petition filed under Section 11 of the Hindu Marriage Act, 1955 by Sukhpal Singh against Daljit Kaur for seeking declaration of his marriage with Daljit Kaur as void on the ground that she was already having a living spouse at the time of her marriage with him. His petition was dismissed as he could not prove the earlier living spouse of Daljit Kaur.

Both the parties wanted to declare their marriage void but the petition filed by Sukhpal Singh was dismissed and the petition filed by Daljit Kaur was allowed. The fact remains that the marriage of the parties has already been declared as void in the petition filed by Daljit Kaur.

Thus, in view thereof, the appeal filed by Sukhpal Singh appears to be unnecessary, as no relief can be given to him as he has already got the relief of declaring his marriage as void in the petition filed

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by Daljit Kaur under Section 11 of the Hindu Marriage Act, 1955.

Thus, with these observations, both the appeals are hereby dismissed. Decree sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

November 19, 2018

Sunil Devi

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No