

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

**CRWP-4362 of 2020 (O&M)
Date of Decision: 03.07.2020**

Sandeep Kaur & Anr.

...Petitioners

Versus

State of Punjab & Ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vinod Bhardwaj, Advocate,
for the petitioners.

Mr. Harpreet Singh Multani, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Were the arguments of the learned counsel for the petitioner to be accepted, the society as general and the citizens of India need not then follow any matrimonial rule of law. Family courts in Country might as well pack up too. A husband, married as per Hindu rites, without taking divorce, is free to bring another wife masquerading her as live in partner, and the three can live all together in the same house as one big happy family, inter alia, is the argument canvassed. Living openly under a candid self proclaimed illicit relationship, both the petitioners, apprehending danger from private respondents No.4 to 13 (parents of petitioner No.1/unmarried girl and family members of wife of petitioner No.2/husband), seek appropriate directions for protection of their life and liberty.
2. Such is the rush and restlessness of husband-Petitioner No.2, presently all of a 25 years, to become a father that after 4 years of marriage, he has declared his young wife aged 22 years as redundant, ostensibly on the ground, that she

can-not bear him a child. Though age of wife is not mentioned in petition, but on a query of court it transpires that she was barely 18 years old young girl when marriage took place in 2016, while the husband a mere 21 years, young boy at that time. Just by whisker, they were both perhaps marriageable age at that time, since the date of their marriage is not disclosed. An 18 year girl and a 21 year old boy thus tried for 4 years to be parents and finally, claims the husband-petitioner no.2, his 22 years old wife gave him consent to go ahead and bring another spouse, petitioner no.1 herein, a 21 years unmarried young girl. This ingenious relationship is now unacceptable not only to the family members of petitioner No.1/unmarried girl but also to the parents/family members of petitioner No.2's wife. The petitioners apprehend serious threat to their life from said respective families. A representation dated 17.06.2020(Annexure P-2) before Senior Superintendent of Police, Mansa/ respondent No.2 is also stated to have been submitted but to no avail, hence the instant petition.

3. Having heard learned counsel for the petitioners and on perusal of the petition, I am of the view that it deserves dismissal with costs. Neither the petition is supported with any affidavit of the wife giving her purported consent to bring in petitioner no.1 as live-in-partner nor any proof of her medical treatment is appended nor is she herself made a party herein. Only bald assertions are though pleaded, qua the same. Assuming, even if the consent or the medical proof is there, it can-not make a bigamous or adulterous relationship, as the case may be, into a legitimate one. In any case, such consent being against the law is no defense, as has been pleaded herein.

3. Marriage is a very personal matter and married couples have their own equations. They may choose to overlook some indiscretions for the sake of their relationship, family and the institution of marriage or for any other

personal reason and it is not for this court to sit on their decision as a moral preacher, as long as they are fine with what they do. But entertaining the type of petitions as the instant one, would not only give wrong signal to the society at large but the same would certainly be contrary to the avowed basic principle of Hindu law viz a marriage is not a contract but sacrosanct sacrament and its sanctity must be maintained. An anomalous situation of permitting legalization of extra marital relations, as envisioned by petitioners herein, if accepted, will most certainly mean breaking the very institution of marriage as governed under applicable matrimonial laws.

4. Petition in hand appears to be the outcome of an ill advice too. Ethical consideration of any learned counsel is to not only to respect the law but also maintain professional standards at all times. The petitioners have though sworn their respective affidavits admitting the contents of petition as correct. It is paramount duty of a counsel to seek proof thereof before drafting such bald, patently unbelievable, self serving depositions.

5. In the premise, the petition is dismissed with costs of Rs.10,000/- each to be paid by petitioner no.1 and petitioner no.2 to the wife of petitioner no.2. In case petitioner no.1 is not earning or otherwise not able to pay, the collective cost of both the petitioners shall be borne by petitioner no.2, who so majestically claims that he can afford to have two spouses. The money shall be deposited in the bank account of the wife of petitioner no.2 and in case she does not have bank account petitioners no.2 shall enable her to open one. Proof of deposit of the costs shall be furnished to the Registry of this Court within a period of 30 days of this order being available on website of the court.

(ARUN MONGA)
JUDGE

03.07.2020
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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No